

It has become not a bully pulpit, but a pulpit of political correctness. He is on a hot seat. If President Clinton withdraws this nomination, then he is in trouble, and how is anybody going to get through the nomination process after this?

Put it back where it belongs, in the Assistant Secretary of Health. Solves problems for everybody.

SUPPORT THE INCREASE IN THE MINIMUM WAGE

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, yesterday marked the fifth year in a row that the productivity of the American worker has increased. But despite this good news, most American workers have had no real increase in earnings in over 15 years.

In the last Congress, we gave a tax cut the help those Americans who were working hard but failing behind. Now, President Clinton has endorsed a small increase in the minimum wage to reward Americans who choose work, not welfare.

At the current minimum wage—just \$4.25 an hour—someone working day-in and day-out would bring home just \$8,500 a year. A family of four trying to live on this wage—just \$700 a month—would find it nearly impossible to pay the rent, buy groceries, or purchase clothes for school. If the minimum wage is increased by just 90 cents over 2 years—we can provide working Americans with additional rewards for their work.

And while we are at it, let's arbitrate an end to the baseball strike. Democrats are worried about minimum wage workers selling peanuts in the bleachers—not about multi-millionaire ball-players and owners who can afford to sit out another season.

CONGRATULATIONS TO HARD- WORKING CONTRACT WITH AMERICA SUPPORTERS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I think it is 36 days ago the 104th Congress convened, and on opening day we passed nine major reforms. We turned around the way this place does business by eliminating committees and making this place more accountable and deliberative in many ways. We passed the Congressional Accountability Act. In the last 4 weeks we have passed legislation that makes it much tougher to impose unfunded mandates on States, the balanced budget amendment to the Constitution, line item veto authority for the President, which is what he has asked for, and we are now in the midst of working on a wide range of legislation which has been discussed for years that will finally focus a little more attention on the victim than the perpetrator.

It seems to me that, if we look at what is talking place over the past few weeks, we clearly have been able to proceed effectively in a bipartisan way, gaining support from Democrats for these Republican initiatives in the Contract With America, and I would simply like to extend congratulations to those who have worked so hard to make it happen.

THE SWEETHEART DEAL OF THE CENTURY

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, today's Washington Times has an article that provides a fascinating window on how the special interests and policy are intertwined in this Republican Congress.

Now the Speaker has mounted a consistent attack on the Corporation for Public Broadcasting, and at times he has even called for funding to be reduced to zero. Today we find out that the Speaker's close friend and ally, Vin Weber, who has, according to the Times, and I quote, frequently been in the Speaker's office the past 6 weeks, often working in his shirt sleeves, has signed a \$250,000 contract with the Corporation for Public Broadcasting, and guess what the contract was for? To plot out the future for the Corporation.

In other words, in one room Mr. Weber was engaged in discussions with the Speaker on how to do away with the Corporation, and in the other room he is telling the Corporation that for a cool quarter of a million dollars he can help salvage what the Speaker is trying to do away with.

□ 1040

Mr. Speaker, it is appropriate that we are less than 1 week away from Valentine's Day because this is the sweetheart deal of the century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). This will conclude the 1-minutes for the morning, and the Chair will take the liberty at this time of recognizing the gentleman from Arkansas [Mr. THORNTON] for the purpose of making an announcement.

THE LATE HONORABLE J. WILLIAM FULBRIGHT

Mr. THORNTON. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute in order to make an announcement of interest to the Members of this institution.

The SPEAKER pro tempore. Without objection, the gentleman is recognized.

There was no objection.

Mr. THORNTON. Mr. Speaker, I come before the House today to make an announcement that is sad, not only to the Members of this institution but to all those who love freedom throughout the world.

This morning, at 89 years of age, with his wife Harriet at his side, Senator J. William Fulbright died. Our condolences and thoughts are with his family.

Senator Fulbright came to this House in an election in 1942 and as a freshman Member of this House introduced and passed the Fulbright resolution, which was the foundation and the architecture for the postwar peace effort. Moving from this House to the Senate, he compiled an extraordinary career. Throughout the world Fulbright scholars will be in mourning today as the man who gave his name to the greatest exchange of students in the history of the world departs from the world.

He never lost confidence in America. He will be remembered as one of our Nation's greatest statesmen, a leader, not a follower, who significantly influenced the course of human events.

Senator Fulbright was not afraid to challenge the conventional wisdom. We will miss his courage, his intellect, his competence, and his character.

Mr. Speaker, there will be a service in Washington, DC, as well as at the University of Arkansas, whose College of Arts and Sciences bears the Senator's name, and in due course there will be an opportunity for a special order in this body for all those who knew and revered Senator J. William Fulbright.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 63 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 63

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with clause 2(1)(2)(B) or clause 2(1)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XCI or clause

5(a) of rule XXI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume.

During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 63 is a modified open rule, providing for the consideration of H.R. 667, the Violent Criminal Incarceration Act of 1995. The rule makes in order the judiciary amendment in the nature of a substitute as an original bill for purpose of amendment which shall be considered as read.

House Resolution 63 provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate, the bill shall be considered for amendment under the 5-minute rule. The rule does provide a 10-hour limit on the amendment process and affords the Chairman of the Committee of the Whole the option of granting priority recognition to those Members who have caused their amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration. This rule also provides certain waivers necessary to allow for the expedient consideration of this bill.

Specifically, the rule waives clause 2(l)(6) and clause (2)(l)(2)(B) of rule XI pertaining to the 3-day availability of committee reports and the inclusion of rollcall votes in Committee reports. The rule also waives clause 7 of rule XVI because of the nongermane relationship of the Committee substitute to the introduced bill and waives clause 5(a) of rule XXI pertaining to appropriations in a legislative bill. Finally, the rule provides one motion to recommit with or without instructions.

The Violent Criminal Incarceration Act will enable States to deal more effectively with violent crime by repealing the Truth-in-Sentencing Incarceration Grant Program and the Drug Court Grant Program included in last year's crime bill.

The bill authorizes \$10.5 billion for two new incarceration grant programs. Half of these funds will be allocated to States that are making progress in punishing violent criminals, and the other half will be allocated to States that enact truth-in-sentencing laws which require violent felons to serve not less than 85 percent of the sentence imposed.

Additionally, the bill addresses prisoner litigation through various reforms and would permit Federal courts to limit the relief awarded prisoners in certain civil actions, including attorney's fees. H.R. 667 also bans weight lifting and other strength training for Federal inmates.

This measure authorizes a net increase over the 1994 crime bill of \$1.9 billion over 5 years. Crime is one of the biggest problems facing our Nation today, and this is money well spent. We made a commitment to the American people in the Contract With America to build more prisons, make sentences longer, and keep violent criminals in jail so that our streets will be safer.

I urge my colleagues to adopt this rule so we can proceed with the consideration of this important piece of crime legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1050

Mr. BEILENSEN. Mr. Speaker, I thank our friend, the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary half hour of debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the consideration of H.R. 667, the Violent Criminal Incarceration Act.

Unfortunately, the bill itself, as our colleagues on the minority side on the Judiciary Committee noted in their dissenting views in the committee report on the bill, is so poorly drafted in concept and in its language that many who support the stated purpose of the bill, to control crime by incarcerating violent criminals, are unable to support the legislation as it is being presented to us.

While I shall not oppose the rule, I am concerned about the nature of the rule—it is not the type of open rule the new majority has been promising, especially for legislation as significant as H.R. 667.

First, the rule provides for several waivers of points of order, including one for the requirement that a committee report be available for 3 days. The advisability of this waiver should be questioned when it is for a piece of legislation that represents a dramatic shift in national policy, setting back, as H.R. 667 would, the ambitious prison program we enacted just last year in the Congress.

As with other major legislation that we have been required to consider so that the Contract With America can be fulfilled within an artificial time period, many of the problems with this

bill could have been averted had the bill been given proper committee consideration. As it is, the bill was rushed through committee with neither adequate hearings nor the kind of deliberate evaluation it demands.

More important, the Republicans on the committee also included a 10-hour time limit on the amendment process. My colleagues should fully understand the implications of this restriction. This limit is not applied to debate time. It is, instead, an entirely new invention: It is a restriction on all time, including the time required for voting itself. It will reduce actual debate time to obviously less than 10 hours.

I repeat, this is an altogether new type of constraint on debate and, in the opinion of this gentleman and many others, an extremely objectionable restriction that I hope we will not be asked to accept again. Unfortunately, the attempt of the gentleman from Massachusetts [Mr. MOAKLEY] to strike this time limit was defeated yesterday in the Committee on Rules.

Mr. Speaker, I am disturbed about the disingenuous nature of this rule. In fact, we are beginning to detect the development of a pattern in the majority's attempt to deliver the open rules it has long advocated and promised, but rules that are open in name only. Our colleagues on the other side of the aisle cannot have this both ways—they cannot claim, as they have been doing, to be providing open rules when the result is in actuality a process that closes down and restricts debate.

We saw this pattern in the debate on unfunded mandates and on the line-item veto. In each of those instances, the rule was in effect modified after the fact. The debate on each started under an unfettered rule, only to end with time restrictions on amendments.

I am only suggesting that the majority be straightforward from the start in describing the terms of debate and that they not make a habit of changing the rules in midcourse. Members have a right to know from the beginning how they will have to deal with the bills before us.

Unfortunately, H.R. 667 itself, which places greater restrictions on funding for the prison construction grant program while also increasing the funding level, begins the process of eliminating the newly enacted community policing grant program and crime prevention programs—including the acclaimed drug courts program which reduces the recidivism rate of participants dramatically. Given the proven level of success of this prevention program, which costs about \$800 per participant as opposed to \$20,000 or more for the cost of a year in prison, the cut in funding in this area will result in substantially higher costs and more crime victims.

Ironically, it appears that States would be eligible for more funding under the provisions of the 1994 crime

bill. We are told that as few as three States—North Carolina, Arizona, and Delaware—can currently qualify for funding under either of the two pools of funds that the bill establishes. In any case, it is clear that these funds will go to only a very small minority of the States in the foreseeable future. So, for those of us who support more prison cells for violent crime, this legislation is not the promised solution.

Mr. Speaker, the programs we enacted just last year have only begun to work—we should allow them to continue so that more police will be on the streets of our communities and more criminals are locked up.

If I might, I would like to discuss briefly one significant issue that we discussed in the Rules Committee. The gentleman from California [Mr. BERMAN] testified, requesting that he be allowed to offer an amendment to address another very significant problem—reimbursing States and localities for the costs of imprisoning criminal illegal aliens.

In today's Los Angeles Times, the Speaker was quoted as declaring that the cost of imprisoning illegal immigrants is a "Federal responsibility" and calling on Congress to approve \$630 million in reimbursement to States. I could not agree more with our distinguished Speaker, and I am glad the Speaker has finally decided to champion this issue which several of us from affected communities have been arguing for quite some time now. I am still concerned, however, that full funding for State reimbursement will not be forthcoming.

Congress recognized the unfairness of this situation and acknowledged the Federal Government's responsibility for the criminal alien population as far back as 1986, when we approved the Immigration Reform and Control Act. Section 501 of that act specifically authorizes the reimbursement of States of costs incurred in the imprisonment of illegal aliens. Unfortunately, no funds were appropriated for that purpose until just last year, under an amendment which this gentleman carried on the floor and which was supported by colleagues from both sides of the aisle. The amounts recently appropriated will not even cover one-third of the costs. In addition, no funds have been made available for local governments, which also incur huge costs in this regard.

During the current fiscal year, California alone will spend nearly \$400 million to incarcerate illegal alien felons. With that \$400 million, California could instead build and operate two prisons housing 4,400 criminals each; put more than 2,400 highway patrol officers on our streets; and provide drug rehabilitation programs for 3,400 inmates.

In short, this is as members know, a serious problem for many States and one for which the Federal Government has the primary responsibility. We will have the opportunity to hasten the

work we began on that last year, when Mr. BERMAN offers an amendment to this bill today, and I urge my colleagues to support Mr. Berman's amendment at the appropriate time.

To repeat, I shall not oppose this rule and urge my colleagues to approve it so that we may consider this important legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the chairman emeritus of the Committee on Rules.

Mr. Chairman, I would just say to my good friend from California Mr. BEIL-ENSON, that I sort of take exception to the word of my colleague when he used the word "disingenuous."

This Committee on Rules has been overly fair to this body, even to the point that we are being criticized for being so open and so fair by Members of the Democrat party who want us to move legislation along and not take so much time on the floor.

The gentleman mentioned the line-item veto, which was not a constitutional amendment but was in fact a proposed statute. At the request of the minority leader, I think his name is RICHARD GEPHARDT, he suggested on the final day of the 3 days debate we had been on that bill that we close down debate and move it along.

We have taken exception to that. We have tried to be as open and fair and accountable as we possible can. As a matter of fact, look at the bills that came on this floor that we have considered during this first 5 weeks, when the Congress is normally not even in session. Boy, what we have accomplished in this first 5 weeks is just so exciting I can hardly stand it some times. But we put out an unfunded mandate bill, a very complex piece of legislation, and we spent days on this floor. And Republicans and Democrats, conservatives and liberals, all had the opportunity to do what I have yelled about for so many years here. They had the ability to work their will on the floor of this Congress. That, to me, is just so terribly important.

The line-item veto, open rule. Victims Restitution Act, open rule. Exclusionary rule, where we had really, I think, effective debate yesterday on that bill. All of these were handled under open rules.

As a matter of fact, the only restricted debate that we have had at all was on a proposed constitutional amendment. And that was of course, the constitutional balanced budget amendment.

I would just point out that even with the restrictions that were placed on that debate, that it was more open and fair than at any other time when we debated the balanced budget on this

floor. I am sure the gentleman from California, I think the gentleman told me that. The Democrats had twice as many alternate substitutes than we did.

So I would just take exception to the question of it being disingenuous.

□ 1100

Also, the gentleman mentioned the fact that we did not have the normal 3-day layover. It was necessary to waive clause 2(l)(2)(B) of rule XI against consideration of the bill because the rule prohibits the consideration of a bill until the third day of which a report is available to House Members.

And again, I would call attention to the fact that although this report was filed on Monday, February 6, it did not become available to Members on Tuesday from the Government Printing Office, as we anticipated. Instead, it was not delivered to the House until early on Wednesday, meaning that the third day of availability under the rules would be Friday. So with consultation with the minority, they agreed to waive the extra day so that we only had availability for 2 days and so that we could bring the bill to the floor and have meaningful debate on it today.

I think when it comes to the question of how long we will spend on this bill, there is 1 hour available on the rule, which we are debating now. There is 1 hour on general debate, and then 10 hours of consideration for amendments.

That will take up 2 days in this body, and that is what was suggested by the minority. We acceded to their wishes and gave the 10 hours of debate. I just wanted to clear the air.

Mr. Speaker, I yield to the gentleman from Boston, MA [Mr. FRANK].

Mr. FRANK of Massachusetts. Not from Boston. That is a lesser inaccuracy. Under the circumstances, let us get to the more substantive ones.

Mr. SOLOMON. Careful now.

Mr. FRANK of Massachusetts. "Inaccuracy" is a perfectly acceptable word under the rules.

The first point I would make is that the balanced budget constitutional amendment was not the only bill we considered under a restricted rule. We considered on the first day a statute dealing with compliance of Congress with the laws which was considered under a totally closed rule.

Mr. SOLOMON. I am the chairman of the Committee on Rules, and the Committee on Rules did not put out a rule on that bill. That was not a rule.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, the gentleman makes a distinction that is absolutely without any point or purpose whatsoever. The fact is, if the gentleman wants to take this personally as a commentary on his record, he is free to do that on his own time. But the question is, how has the House considered things? And in fact,

under the Republican leadership's direction, the House considered an important piece of legislation, the compliance bill, under a total closed procedure.

Mr. SOLOMON. Reclaiming my own time, Mr. Speaker, so that the gentleman can get his time and then I would be glad to respond to him. The gentleman says if I would do it on my own time. He is on my time. I reclaim my time and would then ask the ranking member over there to yield time to the gentleman. Then we can have a meaningful discussion on his time.

Mr. BEILENSEN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the point I was making is that the gentleman's concern with his own personal reputation did not seem to me to be all that relevant to the debate.

The question is, what has the House been able to do? And the compliance bill was considered under a procedure which allowed no amendments whatsoever. Similarly on the balanced budget amendment, which the gentleman talks about, some amendments were allowed and some were not.

I went to the Committee on Rules with an amendment which got the most votes of any amendment offered in the Committee on the Judiciary. It is the one that allowed a full debate on the question of separating out the receipts and outlays of Social Security from the balanced budget. And the Committee on Rules, under the gentleman's direction, refused to allow that amendment, a freestanding Social Security amendment, not linked with other things, to be voted on.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman, first of all, his amendment was offered, I think, in a motion to recommit. But we had given the minority the opportunity to select any of the amendments that they wanted to make in order. They did not select his amendment.

Mr. FRANK of Massachusetts. I would have to disagree with the gentleman. First of all, Members should understand that, yes, there was a motion to recommit, which the minority has, which allowed for 10 minutes of debate rather than what would have been an hour. And the minority was not able to present that view.

Second, it has been my information, with the ranking minority member, that we did ask that my amendment be made in order. And the fact is that the Committee on Rules did not want it made in order. When we dealt with the compliance bill, what was kept off the floor was the question of frequent flier miles, because the Speaker does not want us to be able to vote on preventing Members from using frequent flier

miles for personal purposes when they are acquired with Government funds.

On the balanced budget, the majority did everything it could to keep the minority from voting and fully debating the Social Security question. The amendment that got the most votes in committee, in fact the one amendment that drew some Republican support, was given by the majority the shortest shrift possible. We did choose to use the recommit for it, but that is, as I said, a 5-minute debate on each side as opposed to an hour.

So the record is very clear that when the majority anticipates that an issue will be troublesome, they do what they can to keep it off the floor. They are perfectly willing to have us debate issues that are not going to be troublesome to them politically.

Finally, I want to agree with what the gentleman from California said when he talked about the haste, and we have a majority operating under a self-imposed campaign promise of 100 days to bring out a large amount of legislation. It is proving harder for them to do than they had anticipated. They are running in strains. They are running into strains in the committee process. They are running into strains on the floor. Yesterday we had the bill on habeas corpus amended with the author of it, the chairman of the subcommittee, agreeing that he had made a major error in the bill he had brought forward and agreeing that it had to be corrected. We do not know what other major errors are there.

To meet a political pledge, the majority is doing violence to the procedures, in many cases, and committee meetings have been cut off without amendment process action, and the open rules have not been open. A 10-hour limitation on some of these major things is not a completely open rule and is intended, in fact, to cut down on the debate. And we have had more need for the majority itself to amend and correct its own legislation on the floor.

There are strains that have gone on in virtually every committee, in the Committee on Government Reform and Oversight, in the Committee on Science, in the Committee on the Judiciary, there have been these problems. So what Members should understand is that we have got a series of difficulties, procedural and substantive, because of this haste.

I will repeat again, to my knowledge, there are two issues I wanted to see fully debated on this floor, separating out the Social Security receipts and outlays from the balanced budget, and the Committee on Rules would not allow that as a freestanding amendment, required us to do it only in the recommit because they could not stop that one. They would have liked to, and we only had, of course, a very small amount for debate. And the compliance bill came out in a form in which the Speaker was able to keep us from debating the question of whether or not Members should be restricted

from, with public funds, acquiring frequent flier miles and using them for their personal advantage.

And so, in fact, the pattern is this, where nothing turns on it, where there is no potential embarrassment, the majority will be for an open rule. But where they have something that might be politically troublesome, they are going to do what they can to try to restrict the debate.

Mr. SOLOMON. Mr. Speaker, if the gentleman from Newton, MA, will continue to yield.

Mr. FRANK of Massachusetts. I just asked the gentleman if he wanted me to yield and I will.

Mr. SOLOMON. I am looking at the first 10 rules that were issued by the gentleman's majority Democrats 2 years ago, all restricted and closed. Here is the record. The gentleman never had it so good.

Mr. FRANK of Massachusetts. I agree. I had thought, just as the gentleman did with me, I had thought that the gentleman on the other side was talking about how much better they would be. The point is—

Mr. SOLOMON. Absolutely.

Mr. FRANK of Massachusetts. That they are in fact using their power to restrict debate a little bit more technically than we did. We did tend to overuse it. The gentleman on the other side only shuts off debate if it is going to be embarrassing to them, I acknowledge that. Where in fact nothing turns on it and there is no problem, they will have debate. But where we talk about restricting frequent flier miles used with public funds for personal purposes, a pet project of the Speaker's, apparently, then, no, we cannot debate that.

Where we talk about separating out Social Security in the balanced budget, no, we cannot debate that. Where the gentleman from California had an amendment that passed in the Committee on the Judiciary that would give us a chance to give to California and other States the relief the Speaker says he wants to give them, the Committee on Rules makes that impossible. So, in fact, we have a pattern.

Mr. SOLOMON. Wait a minute. We have rules of the House that we have to abide by. And I have great respect for my friend, the gentleman from California, [Mr. BERMAN], and for what he is trying to do. As a matter of fact, it affects my State of New York very much so. But the question—that was a budget waiver and creating a new entitlement program—the question was one of germaness. The gentleman is going to have his opportunity on this bill today, and we better kind of take it easy and not get Members all shook up.

Mr. FRANK of Massachusetts. I understand that the gentleman does not want members shook up on certain issues. Fortunately, he does not have the power to stop that.

The amendment the gentleman offered in committee is not going to be

able to be offered because the Committee on Rules would not give them a waiver and there are other waivers in this bill. The notion that the rules cannot be waived is silly. There are four waivers in this bill. There are not five. Because the fifth would have been embarrassing. So four waivers they can give, but the fifth they cannot give because, as with the Social Security relevance to the balanced budget; as with frequent flier, it would be troublesome.

□ 1110

Mr. Speaker, I acknowledge that the gentlemen are very clever about it. They do not get caught restricting the rules when there is no political problem, but as soon as the issue gets tough, down go the bars.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield, just briefly?

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I understand that the managers of the Judiciary Committee bill that has come before the floor are now in the Chamber, so I am not going to take up any more time.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. I just want to comment, Mr. Speaker, on the recent remarks of the gentleman from Massachusetts [Mr. FRANK] about frequent fliers.

I must say, it is an issue that has troubled me. I accumulate them, and there is a concern, because they are acquired by flying with Government-paid airfare. However, in 20 years here, I have noticed that this job, this work, creates an awful strain on the family.

Sometimes Members like to have their spouses fly with them to see what they are doing and where they work. Sometimes the children like to fly with them. We are trying to establish a family-friendly place.

I must say, Mr. Speaker, I am torn about the uses of these frequent fliers miles. If it can keep a family sharing the work that is done, the issues, the responsibilities, I do not think it is all a bad thing. That is all I want to say.

Mr. FRANK of Massachusetts. Will the gentleman yield, Mr. Speaker, just to respond to the gentleman from Illinois?

Mr. SOLOMON. Since the gentleman yielded to me, I yield to the gentleman from Massachusetts briefly, Mr. Speaker, because we have to get on with this work.

Mr. FRANK of Massachusetts. Mr. Speaker, I will not engage the gentleman on the merits, because I think he has some points, although I disagree with him.

My point is that it is precisely this kind of thoughtful debate that we have not been able to have on the floor. I would like to have a chance to explore all the issues, but by the procedure

that was used, the whole issue was kept off the floor, and it is that procedural objection, not the substantive one, that I am making.

Mr. HYDE. Mr. Speaker, would the gentleman yield 15 seconds more?

Mr. SOLOMON. Mr. Speaker, I yield for 15 seconds, and then that is it. We are going on to debate on this bill.

Mr. HYDE. I understand. I am overly grateful, Mr. Speaker, to the gentleman for yielding to me.

I just want to say to my friend, the gentleman from Massachusetts, that recognizing the practice of the former majority party in the Committee on Rules, I would just say that he does hold us to a higher standard, and he is right in so doing.

Mr. FRANK of Massachusetts. Mr. Speaker, that was debated on the floor last year.

Mr. SOLOMON. Mr. Speaker, I would hope that we can move this rule.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking minority member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, this is not a wide open rule. There are four waivers of points of order. This is not even close. This is a backhanded gag rule that waives not one, not two, not three, but four points of order, something the Republicans used to say was a horrible thing to do.

I would like to quote this great man who made the statement on March 31, 1993: "Mr. Speaker, waiving the 3-day rule, the 3-day layover requirement, is never a good idea, never."

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman from Massachusetts, who was that great man?

Mr. MOAKLEY. That great man was the gentleman from New York [Mr. SOLOMON]. I just want to show the Members, whatever side one is on, this thing cuts both ways.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I would ask, did the gentleman vote for this rule up in committee?

Mr. MOAKLEY. Yes, Mr. Speaker. However, I am here showing the American people and the people here that the statements made by the gentleman from New York [Mr. SOLOMON], are not being carried out: "We are going to have the wide open rules."

We had three open rules this year that we put through on suspension last year. We will have open rules when they figure it is noncontroversial. When the Republicans were in the minority, they complained loud and long about what they called closed rules.

If there was a time cap, the rules were closed. Anything but a wide open rule they considered closed. Now they say "Well, this is almost an open rule." There is no such animal. It is closed or it is open. All have to play by the same rules.

Mr. Speaker, that was then, and now is now. These days the Republicans are passing out closed rules like Fenway franks at a Red Sox game. Today's rule is no exception.

In fact, Mr. Speaker, this rule counts votes on amendments toward the 10-hour time cap. In the end the 10 hours goes pretty quickly when every three votes eat up an hour. This bill needs all the help it can get.

Mr. Speaker, I cannot understand why Republicans would not want all the improvement that they could get. I do not know why on Earth they would take money from the Cops on the Beat Program, which has provided over 16,000 new police officers to American communities in the last 5 months, and had it over to just three States to build prisons.

Mr. Speaker, a lot of those communities that have gotten no police officers, are represented by my Republican friends, but they are saying they have had enough. They have had enough of new police officers in their cities and towns, and they want to provide money for fancy helicopters and tanks and prisons for North Carolina, Arizona, and Delaware.

Mr. Speaker, the last time I counted, we had 50 States in the Union, not 3. I think every single one of them deserves to be able to apply this prison money, and I think the Democrats should be able to offer amendments to that effect.

However, Mr. Speaker, they will not be able to, because using the Republicans' own definition, the rule is closed and the Members of Congress are gagged.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, the issue is, for me, far less the question of whether or not the rule is open than the question of whether there is fundamental fairness in the operation. I think what happened to me with respect to my amendment yesterday in the Committee on Rules was not fundamentally fair.

In this case, by refusing to give an essentially technical waiver, four of which were already given in this rule, as has been previously discussed, by refusing to give me an essentially technical waiver from the Budget Act, an amendment that I had that would have addressed the question of the unfair situation where States and local governments in many parts of this country, particularly on the border, but also in New York and in Illinois and in

other areas, are shouldering the entire burden of the cost of incarcerating undocumented immigrants who have been convicted of felonies and who are housed in State and local prisons as a result of those convictions, people who should not have been in this country or in those States, except for the failure of the Federal Government to enforce the laws that we are supposed to enforce, and we have pledged to enforce.

I proposed an amendment to provide a capped entitlement to guarantee to the State and local governments that they would be reimbursed for the properly expended costs submitted to the Justice Department. After a review of the Justice Department, and within the terms of the amendment, I proposed payment for that capped entitlement, a capped entitlement of \$650 million, by reducing proportionally the existing authorization, which everyone intends to fund, they claim, for reimbursement for the States under last year's crime bill, and by reducing the amount of the authorization in the prison bill that is up before us today that is going to be made in order by virtue of this rule.

Technically, Mr. Speaker, because it was enhanced, it was a capped entitlement, a Budget Act point of order stood against it, but in terms of the amendment, the amendment paid for itself.

The four members of the minority on the Committee on Rules all supported granting that technical waiver. The eight members of the majority, each of whom expressed tremendous sympathy for the amendment, understood the inequity that exists, indicated their intention to do something about it, recognized that my amendment paid for itself, each of them expressed those sentiments, and then proceeded on a rollcall vote to deny me the waiver which would have allowed me to offer that amendment.

□ 1120

The issue to me is not whether this rule is open or not. I understand the need of the majority to try and manage the business of the House. The question is whether the rules process is used to fundamentally tilt the process one way or another.

We have a situation with this whole issue. I listened to the Speaker this morning in his morning press conference, and he spoke eloquently about the propriety and the legitimacy of the claims of both States that are shouldering the costs of the incarceration of undocumented criminal aliens and their rightful need to be reimbursed.

Two weeks ago we passed a balanced budget constitutional amendment. States and local governments raised a question. They said are you going to cut Federal spending by shifting to the States, or are you going to cut Federal programs, and without exception the chief proponents of the constitutional amendment said we are not going to be doing it by shifting the cost to the States and local governments, we are

going to do it by cutting Federal programs.

Let me tell my colleagues, the biggest cost shift of all is the cost shift that comes by forcing the State and local governments to pick up the cost of incarcerating people who should not be in this country, except for the failure of the Federal Government to enforce its own laws.

A week ago we passed the unfunded mandate bill. We are not going to do this anymore, we are not going to shift the costs to the State and local governments, we are not going to decide what is happening. The biggest unfunded consequences, in effect a mandate as the Speaker himself referred to it, that goes on now is this shifting of costs to the States and local governments. Let me say to my colleagues, were the Federal Government to pick up the obligation we would then have an incentive, the same incentive that the chairman of the crime committee says is the justification for conditioning prison grants to the States on their sentencing, we would have the incentive to do something.

The President of the United States, President Clinton, is the first President to actually propose trying to help the States in this area and we appropriated \$130 million last year, but that is far short of what the actual costs are. The CBO suggests they are \$650 million.

I am just going to take one moment here to read a little bit from the computer printout of the AP wire story. It says,

House Speaker Newt Gingrich says the Federal Government should help border States pay for imprisoning illegal immigrants, but the proposal still faces resistance from other senior Republicans.

Gingrich said he supports the provision in the crime bill,

That is the provision that I put into the bill in the Judiciary Committee on the alien deportation bill, which I have been told very clearly is going to be ruled out of the order by the Rules Committee, GINGRICH says he supports that provision and supported it even before a meeting with California Governor Pete Wilson.

Texas Governor George Bush and officials of other States also have sought the reimbursement, contending immigration is a Federal problem.

Arizona, California, Texas, Florida and other States have sued the government in an effort to recoup billions of dollars spent on illegal immigrants, contending the costs arose because of the Federal Government's failure to enforce its immigration laws.

"I am very sympathetic to Governor Wilson and to Governor Bush and others who have made this case," Gingrich said. "The Federal Government has failed to secure the American borders and the Federal Government is dumping on our border States an entirely inappropriate problem."

The proposal part of a larger crime package now before the House could cost Federal taxpayers about \$640 million in the first year.

Senior Republicans, such as Representative Henry Hyde,

And it hurts me, but it says it here,

Henry Hyde, chairman of the House Judiciary Committee, John Kasich, chairman of the House Budget Committee oppose the measure because of the costs.

"More money for California. What else does California want?" Kasich exclaimed. "Tilt the Treasury this way," he said, gesturing to signify dumping Federal dollars toward the West Coast,

As if this is some benefit where the supplicant Californians and Floridians and Texans and New Yorkers are coming to say, "Please, Federal Government, help us out with our problem." This misunderstands the fundamental nature of this issue. It belies all of the rhetoric that was given when we passed a constitutional amendment to balance the budget. It undercuts everything that was said when we passed the notion of no more unfunded mandates to States and local governments through Federal action.

They are in those States. They have committed those crimes. They have been convicted of those crimes and they are imprisoned at a cost in New York of \$24,000 per individual per year, California \$20,000, Florida \$16,000 per year, each of them because the Federal Government failed to enforce this.

This is the most compelling case for automatic reimbursement of the legitimate costs that the States and locals spend. It will help us focus our attention on solving the problem.

It was wrong to deny me that technical waiver in an amendment that would have paid for itself and not added a penny to the Federal deficit. And I think that question should be brought to the House only because again, I am not yelling about whether the rule is open or not, I just think in this case a waiver was not granted to keep a particular issue from coming to the floor in a way that unfairly deprived one Member and a number of States and a number of other colleagues who support this measure of a chance to raise the issue in this fashion.

I have an amendment which I will be offering which will seek to do the same thing. It will seek to reserve the first \$650 million of the appropriated moneys for the prison programs for reimbursement for the States. Before we start putting money on the States for new prison construction, according to our notion of social engineering, and it is interesting how social engineering was so bad last year, but now, depending on who is in, the different notions of social engineering are more appropriate, but before we start spending that money, let us pay for the costs that the States and local governments now face because of the Federal failure to enforce the immigration laws.

That amendment will be before us. But let me tell my colleagues that that amendment seeks to try and bring this money to the State and local government through a reservation of funds. In other words, no funds may be appropriated for other parts of the prison

bill until that \$650 million is given back to the States and local governments.

But the Appropriations Committee can say when they go through that process, notwithstanding if this amendment would pass, notwithstanding this provision of the law, "We hereby appropriate the following moneys." Let me tell my colleagues, the Appropriations Committee I understand has all of these pressures, and I understand only certain States are affected. I understand it is not a national problem in one sense of the word. But the Appropriations Committee will be very tempted to include that language, and then they will be legislating on an appropriation bill. Then I suggest the Rules Committee may very well grant that waiver, and that will be the question that they will have to face then.

So I think the Rules Committee did me an injustice yesterday by not granting the waiver. But I think, and more important to me, I think they did a very legitimate cause that is consistent with their own rhetoric on the unfunded mandates bill and the balanced budget constitutional amendment by denying that kind of a capped entitlement program to be offered on the House floor and to be debated on the House floor.

I am not going crazy on the rule because we will offer this other amendment on the floor that will be in order. It is not as good. It does not work as well. It does not fit the terms of what the Speaker himself supports, and I believe him, because I know he cares. But I think he is getting a lot of pressure from inside the ranks, particularly from Members who are focused very narrowly on the Federal budget and not on the concept of State and local unfunded mandates and the legitimacy of specific expenditures.

I want to add one last thing, and then I will yield back the time that the gentleman from California [Mr. BEILEN-SON] has given me, and who led this cause and got the initial language into the bill last year which allowed for the first money to be appropriated.

The Speaker appointed a task force on California and named very competent and distinguished colleagues of mine to lead that task force, indicating an understanding that the problems of California are not just isolated to California, that the country and the Congress should not turn its back on the problems of the largest State. At the same time that all of this is happening and that we are being kept from offering the kind of amendment which would deal with the problem most effectively, I find that the Speaker, the majority leader, the chairman of the Committee on Appropriations and the chairman of the Committee on the Budget have sent a letter to the President, who submitted a supplemental appropriation request to continue to finish the funding for the devastating earthquake we faced in southern California, to provide the budget funding

for the floods that northern and southern California faced, as well as additional money for the floods in other parts of the country.

□ 1130

And they said for the first time, of any time I can remember in terms of congressional leadership, "We are not going to take up your supplemental for these federally-declared natural disasters until you find offsets for each and every one of these expenditures." When I take that together with this, I wonder about the whole meaning of that task force.

These are positions that, if held onto, will work very much to the detriment of my State, and I think people should think twice about that.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER], a distinguished member of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I feel compelled to rise not only wearing my hat as a member of the Committee on Rules, but also as chairman of the task force to which my good friend, the gentleman from California [Mr. BERMAN], referred.

The issue of unfunded mandates is one we addressed earlier. Quite frankly, I would say to my friend, with whom I am working very closely on this issue, along with our Governor, along with a wide range of Republicans and Democrats in this House, I have to say that this problem was created under the watch of the majority, the former majority, which had a pattern of saying to State and local governments that they have the responsibility of financially shouldering what is clearly, clearly a Federal issue and should be a Federal responsibility.

Speaker GINGRICH, in appointing this task force when he asked me to chair this, said obviously the issue of illegal immigration is going to be one of the priority items we are going to address.

I would say to my friend, as we begin the second month of the 104th Congress, we have, in fact, Mr. Speaker, proceeded with dealing with this issue in a very responsible way. We are dealing with it in a responsible way, because we reported out of the Committee on Rules by a unanimous vote last night a rule which does not waive the Budget Act. One of the things that has been very frustrating for many has been this pattern of waiving the Budget Act, and it seems to me that as we look at our attempt to deal with this, there are going to be amendments offered which will address that responsibility in which States like California, Texas, New York, New Jersey, Florida, Illinois, those priority States that are shouldering the responsibility which should be Federal are facing, and it seems to me that as we look at this question, we are doing it in a fair way under the standing rules of the House.

Now, my friend, the former chairman of the committee, the gentleman from Massachusetts [Mr. MOAKLEY], said that if we would have had a rule like this when they were in the majority we would have called this a gag rule, we would have called it a rule that was restrictive, a closed rule. I would challenge my very dear friend to find a time when a rule came down allowing for the 5-minute rule, whereby Members were able to stand up, offer amendments that were printed in the RECORD and amendments that were not printed in the RECORD, where we would call it a gag rule, restrictive rule, a closed rule. I have not done the research on it, but I cannot imagine that gentleman from New York [Mr. SOLOMON], or the gentleman from Pennsylvania [Mr. WALKER], or the gentleman from Tennessee [Mr. QUILLEN], or the gentleman from Florida [Mr. GOSS], or any of our Members would have called a rule that allowed for the 5-minute rule would have been considered restrictive or closed or gag.

What we are trying to do here is we are trying to work in a bipartisan way. While I was here in the chair last night when this rule was reported out, the gentleman from New York [Mr. SOLOMON] has told me it was handled unanimously upstairs, and what that means is that we worked in a bipartisan way, or the committee worked in a bipartisan to come to some kind of consensus and as well as possible to comply with the standing rules of the House.

So it is a new day. There is a new Committee on Rules. We are going to be able to address the issue of reimbursement on the incarceration of illegals. We are going to be able to address a wide range of provisions as we move ahead with this very responsible bill, and I hope very much that we will be able to pass this rule, proceed with this legislation which has been discussed for years and years and years, and we are finally moving ahead with what the American people want and what I am happy to say a new majority of this institution would like.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to emphasize the point he is making about the 5-minute rule and the way in which the kinds of rules are being admitted here do, in fact, I think, enhance debate of the House of Representatives.

In the past, the problem with the limitations that were put on many of these rules was they basically stifled debate. What you had was limitations on the offering of amendments, and then time limitations which assured that what happened on the House floor was that Members would offer the amendment and then, because of the

time allocations, each Member would get allocated 1 minute or 2 minutes to get up and speak. As a result, the debate always went past each other. A Member would stand up and talk about cats. The next Member would stand up and talk about dogs. The next guy would stand up and talk about elephants. No one could understand what we were doing as a result of that kind of debate.

Under the 5-minute rule, Members are permitted to yield to each other. They can get their time extended. The fact is you get real debate on the House floor.

I think what we have seen happening out here on the floor in the last couple of weeks has, in fact, been impressive. People have actually engaged each other in real debate. That is what the floor of the House of Representatives should be all about, and it seems to me that the rules that we are bringing forward that allow debate under the 5-minute rule preserve that kind of tradition in the House of Representatives.

I want to congratulate the gentleman and his colleagues for the kinds of things that they are doing to assure that we have real debate on real issues in the House of Representatives.

Mr. DREIER. I thank my friend for his contribution. I would very simply say that I am very pleased that there is a lot more focus on elephants today than has been the case in the past.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to House Resolution 63 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 667.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we come now to the first of two bills that will address what we on this side of the aisle, as well as many on the other side, believe are

some of the major deficiencies of last year's crime bill. H.R. 667 deals directly with what America's criminal justice system needs most—accountability for violent criminals. Titles I and II are nearly identical to titles V and VII of H.R. 3, the Taking Back Our Streets Act of 1995.

Mr. Chairman, the American people understand what is wrong with our criminal justice system. For too long it has failed to hold law-breakers accountable. Criminals learn that a confrontation with the criminal justice system is nothing to be feared. As a result, a group of violent offenders keep cycling through the system. They get arrested, sometimes convicted, occasionally sent to prison, and then they're almost always released after serving only a small fraction of their sentences. This is the revolving door of justice, and it must stop.

H.R. 667 provides more than \$10 billion to enable States to expand their prison capacity for incarcerating violent criminals. It does this in two ways. First, it rewards States that are trying to get serious with violent criminals, helping them to defray the costs of getting tough with dangerous criminals. Second, it provides additional support to States that take the bold but right step of enacting truth-in-sentencing and require violent criminals to serve at least 85 percent of their sentences.

This bill does not dictate sentencing policy to the States. It merely rewards States that are doing the right thing—getting and keeping violent criminals off the streets.

My friends on the other side will say that last year's crime bill already addressed this problem. They are mistaken. Last year's crime bill is a clear example of misguided micro-management from Washington, and a lack of truth-in-legislating. What was called by some a tough-on-crime bill was in reality a missed opportunity to put accountability back into our system of justice.

It rewards States for maintaining the status quo;

It encourages States to enact programs for getting offenders out of prison not into them; and

It shifts funds away from truth-in-sentencing incentives and into a general fund available to States that do not make any special effort to incarcerate violent criminals.

Mr. Chairman, we now have the chance to right those wrongs with H.R. 667, and to support sensible reforms that are long overdue. To be specific, Mr. Chairman, H.R. 667 includes the following:

Title I provides nearly \$10.3 billion in funding to enable States to expand their prison capacity. Half the funds are available to States that are making progress in holding violent criminals accountable. Such States can qualify for funds if they can assure, the Attorney General that, since 1993, they are:

First, incarcerating a higher percentage of violent offenders;

Second, requiring that violent offenders serve a higher percentage of the sentences they receive; and

Third, increasing the actual time violent offenders will be serving in prison.

Now you will hear the charge made today that these three assurances will be difficult for States to make. And that is clearly false. States know enough about their own corrections systems to predict time served averages for violent criminals—they do it everywhere as a simple matter of planning for the future. They know how many violent criminals get sentenced to prison, and they know the averages for expected time served. This is all we are asking of them.

The other half of the funds are available for States that enact truth-in-sentencing laws which require violent criminals to serve at least 85 percent of their sentences. Title I also requires States to enact laws requiring notification of victims or families of victims concerning the release of offenders and provide the victims an opportunity to be heard.

Title II—Stopping abusive prisoner lawsuits—places sensible limits on the ability of prisoners to challenge the legality of their confinement. Too many frivolous lawsuits are clogging the courts, seriously undermining the administration of justice.

Title II requires that all administrative remedies be exhausted before a prisoner can bring a civil action in Federal court. The title also requires Federal courts to dismiss any prisoner lawsuit that fails to state a claim for which relief can be granted, or if the suit is frivolous or malicious.

Finally, Mr. Chairman, few problems have contributed more to the revolving door of justice than Federal court-imposed prison population caps. Cities across the United States are being forced to put up with predators on their streets because of this judicial activism. Title III provides much needed relief by providing reasonable limits on the remedies available in prison crowding suits—yet with complete deference to the Bill of Rights and civil rights laws.

The title limits court-ordered relief to those specific conditions affecting the individual plaintiff, and requires courts to consider the potential impact of such relief on public safety. The title includes provisions that will guard against court-ordered caps dragging on and on, with nothing but the whims of Federal judges sustaining them. It grants standing to officials who arrest, prosecute, or incarcerate criminals to challenge any prospective relief if that relief was granted in the absence of an actual finding by the court that the conditions violated a Federal right. And it places reasonable restrictions on attorney's fees.

It is my belief that the Violent Criminal Incarceration Act of 1995 will do more to stop the revolving door of

justice than anything this Congress has done in recent memory. I urge my colleagues to support this bill.

□ 1140

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the new majority has succeeded in turning a silk purse into a sow's ear, in terms of our crime bill efforts. I would just like to take a few minutes to recall what the contract has been doing to us in the crime area.

First of all, we have just said, as of this week, that law enforcement officers can kick the doors down on our houses at any time for any reason without a warrant. Magistrate requirement? Oh, yes; you go to a magistrate afterward to determine if the officer was acting in good faith or not, instead of going before to have it determined by an arbiter in the court.

They have also created a system so that a defendant, a criminal defendant, can be executed even though he may have an appeal pending before he ever knows whether the appeal has been disposed of or not.

Then the new majority, for partisan reasons, wants to eliminate one of the great features of the 1994 crime bill, namely the promise of 100,000 new community policemen on the beat, and replace it with a wasteful revenue sharing program that harks back to the eighties that has failed miserably. We have had so many horror stories that we understand why eventually the plug was pulled on that old program.

Now that the Republican majority has actually done all these things, they are going to provide less money for prisons while trying to pretend that they are going to be providing more. How? Because the cumbersome truth-in-sentencing requirements in which the Federal Government paternalistically tells States how to run their criminal justice systems will tie the States up in such knots that they will not be able to qualify. It is to this point on prison funding that we will be examining this in greater detail.

Mr. Chairman, study the new majority proposal closely. First, it takes away the \$2.5 billion from the "cops on the beat" program and puts it into what is already a \$10 billion pot for new prison construction. Only then it says to States, "You can't have half of that unless you do it our way," which most States tell us they cannot. In fact, we cannot count more than three that can.

So the Republican program decreases the money both for police and for prisons, so the truth-in-sentencing fiasco is in some ways the ultimate hypocrisy.

At a time when there is wide consensus that we need to return power to communities, this bill says that the Federal Government in Washington will dictate to the local communities

what to do with crime. Simply put, it is paternalistic.

If the balanced budget amendment was the mother of all unfunded mandates, this prison proposal might be a close second cousin because the truth-in-sentencing requirements will create enormous costs to State Governments that are not offset with the \$6 billion dangled in front of them in the name of truth-in-sentencing.

And so we got it right when they proposed realistic truth-in-sentencing last year. We provided flexibility to States and allowed the truth-in-sentencing monies to roll over to a general prison fund in the event that it was not drawn down.

This bill, however, forces States to make promises about how long prisoners will serve before they have served their entire sentence. How can a State prove that?

And, puzzlingly, it says that for States with indeterminate sentencing, that the average time served for violent crimes must exceed the national average by 10 percent. Only one problem: No such average exists. State criminal statutes define crimes differently. So we have ambiguities that would require sometimes dozens of criminal law changes in each State to qualify for this madcap scheme that is before us.

But we on the Democratic side have a different program. We want to codify what the Supreme Court has said when it comes to the fourth amendment. We want to put 100,000 community police on the street. We want to tell the States that their judgment is the best on how to use their prisons and the scarce space that they need, and not tie them up with paternalistic dictates from Washington.

And we want to replace the new majority revenue sharing program with a crime prevention program that we know works.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. I thank my colleague, the gentleman from Florida, for yielding this time to me.

Mr. Chairman, I want to thank him also for the outstanding leadership he has shown on this important issue as we have been moving these bills to the floor.

Mr. Chairman, I rise today in strong support of H.R. 667, the Violent Criminal Incarceration Act of 1995. This bill represents an important opportunity for us to help the States keep violent offenders off the streets by providing them with prison grants.

The bill also provides much needed relief for States dealing with the problem of frivolous litigation by prisoners and unreasonable Federal court intervention in the operation of jails and correctional facilities.

Title I of the bill provides that States that have enacted truth-in-sen-

tencing laws in States that have significantly increased the time violent offenders spend behind bars will receive \$10 billion over the next 5 years.

□ 1150

Title II of the bill will significantly curtail the ability of prisoners to bring frivolous and malicious lawsuits by forcing prisoners to exhaust all administrative remedies before bringing suit in Federal court. In doing so it will save States and local governments millions of dollars in helping ensure that taxpayer money is not wasted. There is no reason that, as happened in an actual case, a prisoner should bring a lawsuit in Federal court because he requested chunky peanut butter for a sandwich and he was given creamy instead.

Title II also requires a Federal court to dismiss on its own motion claims which do not state a claim upon which relief may be granted or are frivolous or malicious. In addition, title II will require prisoners who file lawsuits in federal court to pay at least a nominal filing fee if the prisoner has sufficient assets. These reasonable requirements will not impede meritorious claims by inmates but will greatly discourage claims that are without merit.

Mr. Chairman, I would also like to speak about title III of the bill.

Title III contains the provisions of H.R. 554, which I, along with the gentleman from Texas, Mr. PETE GEREN, introduced earlier this year. These provisions of the bill will substantially improve the provision contained in last year's crime bill to restrict judicial interference in the management of jail and correctional facilities, as well as to stop the release of dangerous criminals from prison. This provision will ensure that relief granted goes no further than necessary to remedy the deprivation of an individual plaintiff's rights, and it will make clear that imposing a prison or jail population cap should absolutely be a last resort and that the court should take into account the import such caps will have on the public safety.

The bill also contains provisions which will prevent permanent court supervision of correctional facilities by placing a 2-year time limit on prospective relief provided by the court and providing for immediate termination of relief if there has been no prior finding that prison conditions violated a Federal right of an individual inmate.

The bill establishes additional requirements to ensure that prison condition litigation is conducted in a manner which is not unduly burdensome. These requirements include requiring the court to rule promptly on motions to modify provisions of consent decrees and placing common sense limitation on the recovery of attorney fees in prison litigation.

Finally, the bill gives standing in prison conditions litigation to prosecutors and other elected officials. For too long the courts have attempted to

micromanage correctional facilities throughout the country. Unnecessary judicial intervention in our jails and prisons has often resulted in the release of dangerous criminals.

Title III will help stop the abuses and thereby protect the public. Titles II and III will help ensure that actions in the Federal courts do not require States and local governments unnecessarily to spend precious taxpayer resources.

I am very pleased that these provisions have been included in the bill.

Mr. CONYERS. Mr. Chairman, I yield 6 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for his leadership for the gentleman from New York's legislation, and I must say I find this a rather sad day.

I come from a State where we are growing like mad. Colorado is just exploding. In fact, just this week we had our Denver Bar Association just want to do a Proposition 187 to keep Californians in California because we are exploding with them coming over the border. They meant that kidding. But as a consequence, the pressure on trying to build enough prisons, trying to keep up with the whole law enforcement requirement, has really been stressful on our State government.

We all know that it costs a lot to build prisons, and I say, "You don't want to just slam-bam them up because what people want is something that's going to hold dangerous criminals, and unfortunately we are here today forced to debate an empty prison promise. Let's call this the empty prison promise bill because this is a very empty promise if you are waiting for prisons because you aren't going to get any money if you are under the pressure that States like mine are under. In fact, no State in the Union is going to get any money out of this bill because, as the attorney general says, none of them qualify."

Under the bill that we passed last year, Mr. Chairman, my State would get help. Under the bill that we passed last year, every State would get help. But the way this bill is crafted is no State will get help until they reach the ceiling that the Federal Government has put in there.

Now think about that. We just finished talking about unfunded mandates on this House floor, and everyone tells us that for all the States to reach this level and build a number of prisons required to hold prisoners for 85 percent of their sentence they will have to spend \$70 billion before \$1 of this bill kicks in.

Now, if that is not an unfunded mandate, I have never heard of one. In other words, how soon we forget what our promises were just a week ago as this body passed on unfunded mandates.

We need prison building help now, and I say to my colleagues:

"Look. You don't have to be a rocket scientist to know that even if my wonderful State of Colorado got a check tomorrow under the old bill, which I would hope it would, but even if it did, it would still take years to get these prisons placed and to get them built. So it still would be a time lag before we would see help. But what will happen now is my State is going to have a figure out where it's going to get all this money to go it alone, to go it alone to build more prisons so we can hold the number of people we need to hold to get to 85 percent of the prison sentence, and then the Federal Government, under this bill, will give them some money, and what will that be for? That will be to alleviate prison crowding at that point."

Mr. Chairman, that is not the people of Colorado's priority. We want to get on with this program now. There is a reason we cannot hold people that long, and that is we do not have the space, and we need help with the space because these things are not cheap. There is no way we can have a stealth prison. We got to have money. It takes money, Mr. Chairman, and it takes time to build them, and until we have that, we are forced to try and figure out who to put out early.

Now we at least did one thing in committee to make this bill a little bit better, and that is to at least allow localities to try and do boot camps as an alternative way. When this was first written, we could not even do boot camps, so it is a little teeny bit better.

But I rise today to say, as my colleagues know, what I heard the main problem to be last year, we fixed last year, and I never heard of anything taking something that was just fixed and proceed to break it, especially after we just said to the States, "We're not going to keep doing these things to you," and then we turn right around, and do it to them, and do it to them big time.

I think Americans are so tired of politicians trying to outdo each other, and I understand what the outdoing is on this bill. What we are saying is the price tag on this bill is much higher than the one we did last year. Last year we committed \$7.9 billion for immediate beginning of grants and prison building. Under this bill it will be over \$10 billion.

So, last year's was \$7.9 billion, and if we pass this one, it is supposed to be \$10.5 billion. So we are supposed to say, "Great, we are going to spend more on prisons, we're going to do more." That sounds wonderful, but do not be fooled, Mr. and Mrs. America. The Federal Government would not be putting one dollar out. We may have put \$10.5 billion in a pot, which is more than the almost \$8 billion we did last year, but nobody can make a claim on that pot because that pot has been put on such a high shelf that no one State meets the standard according to the Justice Department who will be monitoring.

Now that makes no sense. We ought to be helping the States get up so they meet that standard. We ought to be helping the States with this incredibly expensive problem of building prisons. That is what is there now. If we vote for this today, we will be robbing the prevention funds, robbing the funds for cops, and putting in prisons that no one can get to.

Please, please vote against this bill.

□ 1200

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, before I begin my comments in support of H.R. 667, I wish to commend my colleague, the gentleman from Illinois [Mr. HYDE] and my colleague, the gentleman from Florida [Mr. MCCOLLUM] for their leadership in bringing forward legislation which has earned bipartisan support.

This crime problem in our country is out of control. I believe we must do everything we can to protect our children and our communities, and I believe that a combination of more police officers, more prison space, and longer sentences will send a clear message to criminals that they will be caught and that they will serve time. The middle class working families of my district have made it very clear to me that they want hard-core, violent criminals off the streets.

We need more prison space so we can bring an end to the revolving door policy that moves criminals in and out of the justice system. The recidivism rate among violent offenders is extremely high. In fact, 60 percent of convicted felons will be rearrested within three years of their release. Eighty percent of all violent crimes are committed by 20 percent of criminals. If we keep letting them out of prison early, we are only subjecting ourselves to the continuing threat of violence in our neighborhoods and our society.

The Violent Criminals Incarceration Act authorizes \$10.5 billion to provide grants to the States to build and operate prisons. Half of this money will be provided on the basis of the implementation of "truth-in-sentencing laws." This means that the felon must serve 85 percent of his or her sentence, more than twice the average time they currently serve.

Think of it in this way: In my State of Illinois the average murderer serves less than 10 years, and I find it hard to believe there are some who believe they should serve no longer.

It is also my hope that we can include language in this bill which will make funds available specifically for juvenile facilities, and shortly I will be offering an amendment for this purpose.

Americans are ready for real crime-fighting legislation. The Violent Criminals Incarceration Act is just that. Not only is this crime-fighting legislation, it is an investment in our society and deserves the same kind of bipartisan

support that every crime initiative or every anticrime initiative in the Contract With America has received.

Mr. Chairman, I urge full support of H.R. 667.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, in this bill, in section 503(b)(2), it would require that the sentencing and releasing authorities notify and allow the victims of the defendant or the families of such victims the opportunity to appear before those authorities and give reasons why they should not be released. I do not oppose that.

But I am offering an amendment that was printed in the RECORD, although it was not printed in the guide for the Members. It says this: There are individuals who get convicted, for example, on a drug offense, and when they are convicted, they look at the victim who turned the evidence—it might have been somebody who helped get the conviction, somebody who got immunity—and they say, "When I get out of here, I'm going to hurt you."

The Traficant amendment says that the releasing authorities shall upon release notify the families of the victims and the victims and the convicting court that that felon is going to be released. We have many cases where individuals who have been convicted by the testimony of witnesses say to those witnesses, "I'm going to hurt you," and they come back and they hurt those witnesses or those individuals who helped with that conviction.

So it is not necessarily an amendment that is going to require a whole lot of brain surgery, but it is a safeguard for the victims, the families of victims, the courts, the officers of the courts who made those arrests, and the policeman who may have been involved in an undercover sting when they made the arrest, and that person looks at that police officer and says, "When I get out of here, I'll deal with you."

This gives them notification. It gives the courts such notification. It is something we should do, and it is in fact something that is remiss from this bill. It makes this bill a better bill.

Mr. Chairman, I appreciate the time given to me by the gentleman from Michigan [Mr. CONYERS] and all the effort he has given to this bill and other bills.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want the gentleman to know that this is a very real life, commonsense, practical amendment that I hope both sides can agree to, because it is really important to know that out there in the world there are these kinds of threats of "what will happen when I get out."

We have got to curb that. We have got to curb jury intimidation, we have got to curb witness intimidation, and we have got to make the courts safe for people to go in and give testimony and believe that they are going to live a safe, honorable, reasonable life after they have done their duty.

Mr. TRAFICANT. Mr. Chairman, let me say in response to the gentleman that we appreciate the leadership he has given over the years to help a lot of people. I believe that he has helped, and I do not believe my amendment hurts anybody who is getting released or keeps them from getting a job. I do not want to do that. I do not want to hurt that person who has paid his dues. I just want a safeguard to make sure that someone does not live up to a promise they made when they were being convicted, one that says, "I'm going to hurt you," and then live up to it.

So with that, Mr. Chairman, I thank the gentleman, and I hope the majority party will look at the amendment with favor.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to alert my colleagues that later today I will be introducing a "no frills" prison amendment to this legislation.

Simply put, this amendment will provide that prisoners in Federal prisons will be provided no more than the least amount of amenities and personal comforts consistent with constitutional requirements and good order and discipline in the Federal prison system.

Too often sight has been lost of the fact that prisons should be places of punishment, that prisons should be places where you do not want to go and to which you do not want to return.

There are amenities in our Federal prison system. There are amenities in many of our State and county prisons. This amendment would deal only with the Federal prisons, and there are some real examples of Federal prisons which do earn the nickname, "Club Fed."

For instance, in Lomboc, CA, the Federal penitentiary there offers all-channel cable TV, movies 7 days a week, pool tables, handball, tennis, and miniature golf.

The Federal prison in Estill, SC, has dormitories with cathedral ceilings, carpeting, skylights, checker and chess tables, and it offers basketball and handball courts.

Prison perks are wrong in two respects: No. 1, they undermine the theory of prisons as places of punishment, and No. 2, they waste taxpayers' money. Professor John Dilulio of Princeton has estimated that roughly 40 percent of what we spend on prisons nationwide is for expenses that are not necessary to secure the prisoners and not required by the Constitution. Roughly speaking, he says, half the

money we spend on prisons is spent on nonessentials. This is a huge amount of money when we consider that nationwide we spend \$20 billion per year on prisons.

So, Mr. Chairman, I urge my colleagues to support the "no frills" prison amendment when I offer it later today.

□ 1210

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER]. No one has worked harder on the crime bill than the former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding and for his guidance and leadership on this proposal and last year's proposal, through the arduous days of working it through.

Mr. Chairman, I would like to make two points on this bill. The first is that it sounds good, but will not do much. It will not do hardly anything at all.

In the State legislature we had a word for these kinds of bills. They were called rain dance. You know, the rain dance that the native Americans did? They made a lot of dancing, a lot of noise: No rain. Same thing with this bill. It sounds great: Make sure all prisoners serve 85 percent of their maximum sentence, or you will not get any money. Make sure the actual time served is on the increase dramatically, or you will not get any money.

Sounds great. The only problem is, by the Attorney General's own estimate, and it is she who will administer this bill if it is passed, guess how many States will get money to build prisons? None. And if the bill is amended to change some of the words that are technically deficient, guess how many States will qualify under our estimates? Three.

So if you are from Delaware, North Carolina, or Arizona, you should welcome this bill, because you will get to divide up all of this \$10 billion in prison money. But if you are from the other States, forget it.

This bill is basically a false promise. It is a hoax. It will not build any prisons. And for the few States that are very close, it may give them the money. But the point has been made, and this one really sticks with me, why give it to the States that are already doing a good job? Why not give it to the States that are not incarcerating the violent criminals? Because once a State meets the very tough and high standard in this bill, they do not need the money. It is the States that have not met that standard, such as my own, that need the help.

So I would say to my colleagues, look at the amount of money that will be available to your State under present law. And that amount of money is not available 5 years from now or 3 years from now, which it would be even under the best of circumstances in the

H.R. 3 bill. Look at how much is available this year.

Mr. Chairman, I feel the anger and anguish of my constituents as they talk about crime. I feel the real frustration of police officers who say they arrest people and then they are convicted of violent crimes and they are out much too quickly.

I feel the anguish of families who see that those perpetrators of vicious crimes against a loved one is not punished long enough. If you feel those things, then you cannot vote for the bill before us, because the bill before us does nothing.

I must say, it seemed to me that H.R. 3 and its six components were not designed very carefully. Other parts of the contract, there is a real ideological divide; should we have a balanced budget amendment, should we have a line-item veto, should there be unfunded mandates. But this part of the contract, H.R. 3, the philosophical differences with the present law are not very great.

Oh, yes, you might fine tune it here, there, or the other way. What was done in H.R. 3 and in this prison section and the prevention and police section we will do in the future, seems to me, to be different. When the contract was put together last year, it seems to me, those who did it said "Well, the Democrats have done a good job on crime. We have to show that we can do more, we can do better." So they rip up something that just about every law enforcement agency supported, something that many Members on that side of the aisle supported, and most Members on this side of the aisle supported, and said "Let's start over."

Why? Why? When our streets are savaged by crime. When the anguish of people in communities, from the poorest to the richest, is heard by us. Why rip up a bill that is going to get money out there immediately and start over with a bill that is a false promise and a hoax?

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the committee.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, a great deal of discussion has already started with respect to the idea of truth in sentencing that is represented in H.R. 667. But I think there is another reason to support H.R. 667, and that is it represents the idea of truth in legislation.

During the consideration of the crime bill which was enacted last year, from the beginning all the way through to the time the President signed it last September, news report after news report in all aspects of the media said this bill includes \$7.9 billion for prisons. I saw that in newspapers, I heard that on the radio, I saw it in TV programs. Over and over and over again, the American people were told that the previous crime bill contained a certain amount of money for prisons.

The only problem with that representation is, it is not true. The crime bill as written and enacted last year, does not guarantee that a dime of that money goes to prisons. The actual wording of the legislation says that the money can go for prisons or for alternatives to prisons, including keeping convicted criminals right there in the community.

Now, is there a time when alternative sentencing is appropriate? I think so. Though I was a career prosecutor before having the privilege of serving in Congress, I never felt that every single criminal convicted of every offense should go to prison. I did not think that was always necessary as a punishment or always necessary as deterrence. But I think those who should be in prison ought to go to prison, and the prisons need to be built to house them.

The representation was made, in my judgment falsely, in the media when it said over and over again, American people, you should support the crime bill, because the crime bill guarantees that money will go to prisons.

The crime bill that was enacted said no such thing. But this bill, H.R. 667, certainly does. All of the money authorized here is for prisons, and therefore that is a reason why we should adopt this legislation this week.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the minority member for yielding time to me.

Mr. Chairman, I guess I should be happy to be able to come to the floor for a change and not argue that a bill that we are considering is unconstitutional. I do not come to make that argument today, although there are some very serious constitutional questions about a part of this bill. But the bulk of the bill I would concede is constitutional, so I guess I should be relieved that I am not here raising the constitutional arguments today.

What I say to you instead about this bill is that it may be constitutional, but it makes absolutely no sense. And that is just as unforgivable in the legislative context, it seems to me.

Mr. Chairman, I do not know why, even though I am from the State of North Carolina, which is one of the 3 States that would qualify for funds under this bill, why a Congress of the United States that is representative of 50 States would pass a piece of legislation that can benefit only 3 States.

I guess I ought to be quiet as a person from North Carolina, which is one of the 3 States that can benefit under this legislation, but it just seems to me to be irrational to be talking about passing a piece of legislation that can benefit only 3 out of the 50 States in this country.

Second, it seems to me to be irrational to be passing a whole new set of laws about the award of attorneys fees,

when for years and years and years we have been litigating about the standards that are applicable in the award of attorneys fees in these kinds of cases, and all of a sudden again the Republicans have decided, as they did in prior bills, that they are smarter and more articulate than the Founding Fathers.

□ 1220

Now they have decided they are smarter and more articulate than reams and reams and reams of case law that has interpreted the attorney's fees provisions in civil rights laws. And so we have new words. I do now know that changing the wording of an attorney's fee statute is going to do anything other than set off years and years and years of more litigation about what those words mean. It is kind of like yesterday we put a new standard in for the exclusionary rule, when we have been litigating for over 200 years about what the words we already had meant.

Finally, it seems to me that it is irrational in the face of evidence that was presented at committee level that weight lifting can enhance the self-esteem and self-image and deterrence of crime to come and say to the American people that we are going to be so naive and so shortsighted as to pass a statute that prohibits people in prison from engaging in weight lifting. It makes no sense. And I submit to my colleagues and to the American people that this is irrational and we should defeat this bill.

Mr. MCCOLLUM. Mr. Chairman, at the present time, I have no other requests for time other than the closing speaker.

Mr. CONYERS. Mr. Chairman, how much time is remaining on our side?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 6 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 12½ minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, there are several problems that I have with the bill. I just want to point out a couple of them. The first, Mr. Chairman, is the fact that we are taking \$2.5 billion out of the 1994 crime bill from the programs that actually work. That \$2.5 billion added to prisons will be a drop in the bucket for the prison expenditures.

We already have an incarceration rate five times that of the rest of the industrialized world. Putting \$2.5 more billion into it will do very little good at all. We heard evidence that the city of Philadelphia could use almost \$2.5 billion itself. Texas and California are going to spend tens of billions of dollars. Virginia, if they fund the present program that we passed last August, will spend about \$7 billion in the next 10 years on prisons.

Our share of this \$2.5 billion will be about 1 percent of what we are already spending, so it will not make any difference, but it will take money away from what works. Drug courts have been studied. We can have, in lieu of an incarceration strategy, going to a treatment strategy, Mr. Chairman. We can have a drop in crime of 80 percent at a cost of one-twentieth of what it costs to lock people up. If you eliminate that program, and we have \$1 billion in the present crime bill, but not in the crime bill that is before us, if we eliminate that, we will spend 20 times more money and end up with about 5 times more crime.

We can do better than that.

Mr. Chairman, I think there is another problem, and that is the so-called truth-in-sentencing. Eighty-five percent, there is no rational basis for 85 percent. We ought to focus on the time actually served, 85 percent of 5 years or half of 20 years. We want to spend twice the money on where we actually need the money to go.

We also need to research the expenditures we are making, and we will have amendments along those lines.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the committee.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I thank my colleague, the gentleman from Michigan [Mr. CONYERS]. I am grateful that we had a process in the Judiciary Committee that would allow us to speak for States and counties and cities that right now might be abandoned in this whole process of prison building. I am appreciative of the acceptance of the gentleman from Florida [Mr. MCCOLLUM] of my amendment that allowed for these moneys to also go to boot camps which have proven to be successful all over the country in so many of our jurisdictions. But I am unhappy that we are facing a time now when States like Texas and other large States are working so very hard to ensure that those who do the crime pay the time, to now be penalized and not be subject to being able to receive these very important prison building funds.

Likewise, I raise another grave concern that rather than accept the acknowledgement by law enforcement officers across this country that crime prevention is also incarceration, it is prevention and it is supporting police on the street, this new bill now abolishes the opportunities for cops on the street and prevention dollars.

I clearly think that what we are doing in this particular legislation is penalizing law-abiding citizens and providing punishment to the States who are trying to be more effective in incarcerating those who committed the violent crime. I still believe, as Attorney General Reno has joined in to say, that there is an opportunity to strike a

chord of bipartisanship, not one that follows the political road but takes the best road to make sure that we ensure that we save the citizens of the United States of America, we save them from the burdens of not being able to build prisons, because we put such strict strictures on top of them which they cannot meet.

Why penalize a State who right now, like Texas, is striving to get 40 percent even 50 percent of those who are violent criminals to be incarcerated? Why tell them they cannot get prison dollars to build more to ensure that those violent criminals are in fact incarcerated? Now, as well, why tell them that they cannot use prevention dollars to save our children?

Mr. Chairman, I think it is time for a bipartisan accord to fight for the people of the United States of America.

Mr. CONYERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 2 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding time to me.

As we begin this debate here on the prison and how we are going to fund it, I wish we would take into account a number of things that are going on. Having been a police officer for many years, it frustrated me to no end to find that after you do a thorough investigation, you get a conviction, you send them to prison, and there is no prison space and there are early release programs, we need more prisons. This is true. But every State, every geographic location in this country should be allowed to participate in such a program. It does us who are police officers no good to do our work, get them ready to go to prison, and there is nothing there.

The Republican alternative that we are dealing with here today simply says 3 States will get half of the money; the other 47 States, they will receive their money when their prison population serves 85 percent of its time, when the actual prison population serves it.

Michigan just passed a truth-in-sentencing law in the last few years. It is going to take probably 8 to 10 years for our current prison population to reach that 85 percent level. What do we do for 8 to 10 years?

□ 1230

What do we do that it is going to take 2 or 3 years to build those prisons? What we are doing, in the Taking Back the Streets Program, is giving the streets back to the criminals. The money is not allocated appropriately. In the crime bill last year, every State received money. In the proposal before us today, three States will receive money. The other 47 States will have to wait their turn after their prison population actually serves their time to meet the magic numbers.

Mr. Chairman, this is nothing new. The Committee on the Judiciary pointed that out, but because Members are so focused on moving this bill forward, they are not giving us the flexibility that States and local governments need.

The CHAIRMAN. All time on the minority side has expired.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to take this time to respond to a number of statements that have been made, I think quite erroneously, on the other side of the aisle with regard to who is eligible and who will not be eligible for money under this \$10.3 billion bill.

Mr. Chairman, it is very clear if we read the language that for the half of the money involved for the first part of this bill, half of that, over \$5 billion, virtually every State of the Union, and I would think every State in the Union, would be qualified, because all that is required is that the State provide some assurances to the Attorney General that since 1993, that the State has increased the percentage of convicted violent offenders sentenced to prison, No. 1; No. 2, has increased the average prison time served in prison by convicted violent offenders, that are to be served by convicted violent offenders; and, No. 3, increased the percentage of the sentence actually served in the prison by violent offenders sentenced to prison.

None of that is hard to do. They keep the statistics on this. Virtually all States do. They only have to increase these things by 1 day. It is not difficult to do. We want to see, and what we are encouraging in this, we want to see States actually increase the people who go to jail.

There is a substantial percentage, as shocking as it is, of violent felons out there every year who never receive a single day of jail time in their sentence. That simply should not be.

However, we are not requiring the State actually put every single violent offender behind bars. We are not requiring that they do that, but we are requiring them to demonstrate, to get the money, that they show some increase in the percentage overall in their prison population of convicted violent offenders, that there is an increase in the percentage that are actually sentenced to some prison time.

Second, the increase in the average prison time actually to be served in prison by a convicted violent offender means, for example, if we give somebody a 6-year sentence and the average in that State is a 2-year sentence that they are serving, that they are really serving 2 years of the 6 years; that we want to see it increased to whatever number of years, or to 3 years, or some increase in the amount of time that is to be served by the person who is receiving the sentence, who is a violent

offender. That is not hard to demonstrate, either.

Third, Mr. Chairman, we want to increase the percentage of the sentence to actually be served by the offender who is sentenced to prison, the percentage of the sentence. So if you have a 6-year sentence, you can have a percentage of that sentence increased and demonstrated. None of that is difficult to do. I dare say that every State in the Union probably since 1993 has indeed done that, or it would be very, very simple to accomplish, to qualify for this pool of money.

I might add, Mr. Chairman, that these very requirements were in the bill that had passed into law in the last Congress as part of the qualifying materials that was drafted by the other side of the aisle. This is not language that we created, this is language the Democrats created, actually. It is supposed to be simple. I dare say that it is.

At any rate, this simple qualifying procedure, once accomplished, will entitle any State to money in the first pool of \$5 billion-plus for prison grants.

Now, the second one is more controversial, I will grant. Only those States which pass laws that say that they are going to have violent felons actually serve 85 percent of their sentences are going to qualify to get at that \$5 billion, but that is the reason for it. We know there are a lot of States that have not qualified, the vast majority have not. It is an incentive grant program to encourage them to take these violent felons off the streets and lock them up and throw away the keys.

We want them to change their laws. This is a carrot approach. I might add, Mr. Chairman, that there is nothing about this that is an unfunded mandate. This is not an unfunded mandate under what we passed before. This is a carrot grant program that clearly is not part of what we describe or define as an unfunded mandate.

This simply says to the States:

Look, we have a reason to want you to go where we want you to get the violent felons off the streets that are going through the revolving door. If you do that, then you can have a lot of money. Not only that, not only can you have a lot of money to build these prisons, we will give you a 3-year grace period. If you pass a law under this bill that says in your State that you will get to the 85 percent requirement for violent felons in your State 3 years hence, and it will not be effective for 3 years, you can get money under this grant program under the second pool of money to build the prison beds necessary to complete the actual imprisonment of the people whom you have passed the law concerning.

It makes sense. It is a good incentive grant program.

North Carolina, Arizona, and Delaware are the three States the Justice Department said at the present time already qualify. We believe there is a clearly arguable case for California, Missouri, Virginia, and Kansas, and I believe they would qualify based on what we have examined of their laws, if they applied to the Justice Depart-

ment, though the Justice Department has not precertified those particular States already.

My State of Florida currently is a good example of what we want to see happen and what is happening around the country right now by the State legislatures. The State Senate and the State House are prepared to make a truth-in-sentencing provision at the 85-percent level for violent felons and others, as a matter of fact, the first order of business when they convene their session of the legislature this year.

It is already out there. I talked to the Senate President today. It is his No. 1 priority, and his first bill. Mr. Chairman, I think lots of States will make this their first bill. That is the idea; not that they already have qualified, but that during the duration of the 5-year life of this legislation they will.

The purpose, again, is to get States to move to change their laws to qualify in order to get the repeat violent felon off the street and locked up, and keep him there for a long period of time so the revolving door stops, and we take that 6 percent of those criminals in the population that are committing about 70 percent of the violent crimes off the streets and stop the revolving door today, where they are only serving about a third or so of their sentences.

At any rate, that is what the bill is about. The arguments, I think, are nonsense to the contrary, that "Gee, this is terrible, nobody qualifies." The idea is not for a lot of people to qualify. Some already have. Many more will soon. That is for the second pot, the incentive grant program, the \$5 billion.

Again, the first pot is 5 billion additional dollars, and that is available to the States with actually very little, if anything, that any of them would have to do to qualify.

Therefore, Mr. Chairman, I urge the adoption of this bill. It is common sense, it is good policy. It is the heart of the Contract With America crime legislation on our side of the aisle, and it is what we thought needs to be corrected, we thought all along needed to be corrected, to make some teeth put into the law that was passed last year.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 667, the Violent Criminal Incarceration Act. This legislation represents titles V and VII of H.R. 3, the Taking Back our Streets Act, 1 of the 10 points of the Republican Contract With America, and is the fourth of the six bills we will consider which compose this important crime legislation.

Today's legislation boosts the State prison grants in the 1994 Crime Control Act from \$8 to \$10.5 billion over 5 years while increasing the incentives for States to curtail early parole for violent offenders. In addition, the bill places restrictions on the ability of prisoners to challenge the constitutionality of their confinement and limits remedies that may be granted in a prison conditions suit.

Half of the funds available each year under this act would go to States that have worked to toughen their incarceration records over the

years, while the other half goes to States that have enacted "truth in sentencing" and victim notification laws. The bill also amends the Civil Rights of Institutionalized Persons Act [CRIPA] to make maximum use of administrative rather than judicial procedures and to compel judges to dismiss frivolous, false, or weak lawsuits brought by inmates. H.R. 667 also limits the remedies that can be granted or enforced in prison conditions suits, and prevents judges from placing arbitrary caps on prison populations.

Finally, in response to the rising tide of violence in our Nation's prisons, and the concern about inmates who spend their time simply strength training, H.R. 667 bars prisoners from engaging in physical activities designed to increase their strength or fighting ability, and orders the immediate removal of all exercise training equipment, except for those specifically authorized for medical reasons.

Mr. Chairman, statistics indicate that a small percentage of criminals commit the vast majority of violent crimes. Just 7 percent of criminals commit two-thirds of all violent crime, including three-fourths of rapes and robberies, and virtually all murders. To make matters worse, many of these criminals either are never caught, or, if caught and found guilty, do not serve their entire prison sentence. Every year, more than 60,000 criminals convicted of a violent crime never serve time—for every 100 crimes reported only 3 criminals go to prison. The Bureau of Justice Statistics has found that only 45.4 percent of court-ordered confinement is served on average, and 51 percent of violent offenders sent to prison are released in 2 years or less.

These numbers are even more telling in light of the fact that at least 30 percent of the murders in this country are committed by people on probation, parole, or bail. Faced with prison overcrowding, 17 States have begun emergency release programs. Overall, the risk of punishment has declined in the past 40 years while the annual number of serious crimes committed has skyrocketed.

All this has led to public calls for "truth in sentencing" laws which require criminals to serve a significant percentage of their sentences without chance of parole, and "three strikes, you're out" statutes requiring life in prison for repeat offenders convicted of their third violent felony. Opponents of strict sentencing laws like these argue that locking people up does not address the problem of why crimes are committed in the first place. Evidence suggests, however, that there is a strong correlation between increased incarceration and lower crime rates. In fact, from 1990–91, States with the greatest increases in criminal incarceration rates experienced, on average, a 12.7-percent decrease in crime, while the 10 States with the weakest incarceration rates experienced an average 6.9-percent increase in crime.

Mr. Chairman, the time for coddling the criminal has passed. The American people are crying out for us to put away—and keep away—America's violent criminals. They have tasked us with putting an end to the frivolous inmate law suits and the seemingly pleasant treatment of murderers, rapists, drug dealers, and the like. We have made substantial efforts this week to help our police and prosecutors capture and prosecute these heinous individuals. Today we give them a place to put them

behind bars and the tools to keep them there. I urge the support of this important legislation.

Mr. PACKARD. Mr. Chairman, Republicans are keeping their promises and working to pass the Republican crime fighting agenda. Our message is clear. Criminal behavior will no longer be tolerated. Punishment must be certain, swift, and severe. Criminals are not victims of society, they victimize society and belong behind bars.

Today's criminal justice system distorts common sense and puts criminal's rights far out ahead of victim's rights. The result, criminals running rampant on our streets and law-abiding citizens afraid to go outside. The Republican crime fighting agenda seeks to turn this distortion around and make criminals afraid to break the law.

The best crime fighting tool is a criminal justice system which sends criminals the message that your chances of being caught are high. Once we catch you, you will be punished quickly and severely. The Violent Criminal Incarceration Act works to do just that. It breaks the gridlock in our criminal justice system which gives legal escape routes to repeat violent offenders.

Criminals will finally have to face the consequences of their actions. They will do the time for committing the crime. Violent criminals belong behind bars, not behind the coat tails of expensive lawyers clogging up our overburdened judicial system with endless baseless appeals.

Mrs. COLLINS of Illinois. Here we go again, Mr. Speaker. For the second time in the last 6 months, I come to the floor of this body totally perplexed by the mistaken belief of my Republican colleagues that throwing billions more taxpayer dollars down the prison-building sinkhole will somehow miraculously solve the crime problems we face in this country. In the words of Bart Simpson, Mr. Speaker, "Aye Carumba!"

H.R. 667, the Violent Criminal Incarceration Act, strips \$2.5 billion in already scarce and long-awaited police and prevention dollars from last year's Crime Control Act without a second thought. You know it's funny that the GOP vehemently rejects targeting Federal grants for these particular initiatives, but doesn't even flinch in deciding to impose an overwhelming number of Federal conditions for prison building grants included in H.R. 667.

What is even more confusing to me is the fact that, after the last few weeks of spirited rhetoric from the other side of the aisle about the inherently evil nature of unfunded mandates, we have a bill before us today which would impose just such mandates on many States.

Under H.R. 667, the awarding of prison grants is contingent upon States meeting extremely stringent and largely unworkable sentencing requirements. States would be required either to show that, since 1993, their correctional policies have increased the percentage of convicted violent offenders sentenced to prison, increased the average time actually served by prisoners, and increased the percentage of sentences actually served or they would have to mandate that those convicted of a violent felony serve at least 85 percent of the sentences ordered by the court.

Those States that could not meet these requirements would then either have to spend millions of dollars simply to build the necessary additional prisons to handle the over-

crowding that would result from having to house prisoners for a longer period of time—an unfunded mandate which my GOP friends all love to hate—or forgo prison grants altogether. In this second instance then, H.R. 667 would actually provide less funding for prison construction than there was under last year's crime bill that was derided as too soft on crime by my Republican colleagues.

Moreover, the prison construction grants under this legislation are targeted to States based on their population rather than on their rate of violent crime—in direct contradiction to the language included in last year's crime bill. This doesn't seem to jive with rationality, Mr. Speaker.

Meanwhile, as precious Federal dollars are being wasted pouring concrete and forging steel bars, our communities which so vociferously called out for more cops, more control, more resources on the local level to provide greater social and economic opportunities for underserved youth and their families will be once more neglected, left holding the bag. Welcome back to the 1980's, Mr. Speaker.

I would, however, like to at least give credit to the leadership for formulating a crime policy that is in keeping with its Contract on America. Yesterday the GOP in this body passed legislation that would allow evidence illegally obtained by law enforcement officials to be admitted as evidence in Federal trial proceedings, thereby effectively gutting the fourth amendment's constitutional protections against improper searches and seizures. Today, they will more than likely pass this bill to increase prison construction to incarcerate those Americans convicted with the use of illegally obtained evidence. If anything the GOP has been consistent in its assault on the Constitution and all the ideals of equality and justice that this country has stood for over the years. You've got to respect that, Mr. Speaker—not.

I strongly urge my colleagues to rise up and reject this politically-motivated, ill-conceived, wrong-headed approach to the substantive crime problems that exist in our Nation and to continue with the more reasonable and balanced program that both the President and my Democratic colleagues and I worked so tirelessly to enact last year.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Criminal Incarceration Act of 1995".

TITLE I—TRUTH IN SENTENCING

SEC. 101. TRUTH IN SENTENCING GRANT PROGRAM.

Title V of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"TITLE V—TRUTH IN SENTENCING GRANTS

"SEC. 501. AUTHORIZATION OF GRANTS.

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to eligible States and to eligible States organized as a regional compact to build, expand, and operate space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony and to build, expand, and operate temporary or permanent correctional facilities, including facilities on military bases and boot camp facilities, for the confinement of convicted nonviolent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony.

"(b) LIMITATION.—An eligible State or eligible States organized as a regional compact may receive either a general grant under section 502 or a truth-in-sentencing incentive grant under section 503.

"SEC. 502. GENERAL GRANTS.

"(a) DISTRIBUTION OF GENERAL GRANTS.—50 percent of the total amount of funds made available under this title for each of the fiscal years 1995 through 2000 shall be made available for general eligibility grants for each State or States organized as a regional compact that meets the requirements of subsection (b).

"(b) GENERAL GRANTS.—In order to be eligible to receive funds under subsection (a), a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that such State since 1993 has—

"(1) increased the percentage of convicted violent offenders sentenced to prison;

"(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison; and

"(3) increased the percentage of sentence to be actually served in prison by violent offenders sentenced to prison.

"SEC. 503. TRUTH-IN-SENTENCING GRANTS.

"(a) TRUTH-IN-SENTENCING INCENTIVE GRANTS.—50 percent of the total amount of funds made available under this title for each of the fiscal years 1995 through 2000 shall be made available for truth-in-sentencing incentive grants to each State or States organized as a regional compact that meet the requirements of subsection (b).

"(b) ELIGIBILITY FOR TRUTH-IN-SENTENCING INCENTIVE GRANTS.—In order to be eligible to receive funds under subsection (a), a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that each State applying has enacted laws and regulations which include—

"(1)(A) truth-in-sentencing laws which require persons convicted of a serious violent felony serve not less than 85 percent of the sentence imposed or 85 percent of the court-ordered maximum sentence for States that practice indeterminate sentencing; or

"(B) truth-in-sentencing laws which have been enacted, but not yet implemented, that require such State, not later than three years after such State submits an application to the Attorney General, to provide that persons convicted of a serious violent felony serve not less than 85 percent of the sentence imposed or 85 percent of the court-ordered maximum sentence for States that practice indeterminate sentencing, and

"(2) laws requiring that the sentencing or releasing authorities notify and allow the victims of the defendant or the family of such victims the opportunity to be heard regarding the issue of sentencing and any postconviction release.

"SEC. 504. SPECIAL RULES.

"(a) ADDITIONAL REQUIREMENTS.—To be eligible to receive a grant under section 502 or 503,

a State or States organized as a regional compact shall provide an assurance to the Attorney General that—

“(1) to the extent practicable, inmate labor will be used to build and expand correctional facilities;

“(2) each State will involve counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of offenders, and that each State will share funds received under this title with any county or other unit of local government that is housing State prisoners, taking into account the burden placed on such county or unit of local government in confining prisoners due to overcrowding in State prison facilities in furtherance of the purposes of this Act; and

“(3) the State has implemented or will implement, not later than 18 months after the date of the enactment of the Violent Criminal Incarceration Act of 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled.

“(b) INDETERMINANT SENTENCING EXCEPTION.—Notwithstanding the provisions of paragraphs (1) through (3) of section 502(b), a State shall be eligible for grants under this title, if the State, not later than the date of the enactment of this title—

“(1) practices indeterminate sentencing; and

“(2) the average times served in such State for the offenses of murder, rape, robbery, and assault exceed, by 10 percent or greater, the national average of times served for such offenses.

“(c) EXCEPTION.—The requirements under section 503(b) shall apply, except that a State may provide that the Governor of the State may allow for earlier release of a geriatric prisoner or a prisoner whose medical condition precludes the prisoner from posing a threat to the public after a public hearing in which representatives of the public and the prisoner's victims have an opportunity to be heard regarding a proposed release.

“SEC. 505. FORMULA FOR GRANTS.

“To determine the amount of funds that each eligible State or eligible States organized as a regional compact may receive to carry out programs under section 502 or 503, the Attorney General shall apply the following formula:

“(1) \$500,000 or 0.40 percent, whichever is greater, shall be allocated to each participating State or compact, as the case may be; and

“(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact, as the case may be, an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State or compact, as the case may be, bears to the population of all the States.

“SEC. 506. ACCOUNTABILITY.

“(a) FISCAL REQUIREMENTS.—A State or States organized as a regional compact that receives funds under this title shall use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General.

“(b) REPORTING.—Each State that receives funds under this title shall submit an annual report, beginning on January 1, 1996, and each January 1 thereafter, to the Congress regarding compliance with the requirements of this title.

“(c) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General in the same manner as such provisions apply to the officials listed in such sections.

“SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

“(1) \$997,500,000 for fiscal year 1996;

“(2) \$1,330,000,000 for fiscal year 1997;

“(3) \$2,527,000,000 for fiscal year 1998;

“(4) \$2,660,000,000 for fiscal year 1999; and

“(5) \$2,753,100,000 for fiscal year 2000.

“(b) LIMITATIONS ON FUNDS.—

“(1) USES OF FUNDS.—Funds made available under this title may be used to carry out the purposes described in section 501(a).

“(2) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

“(3) ADMINISTRATIVE COSTS.—Not more than three percent of the funds available under this section may be used for administrative costs.

“(4) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of a proposal as described in an application approved under this title.

“(5) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall remain available until expended.

“SEC. 508. DEFINITIONS.

“As used in this title—

“(1) the term ‘indeterminate sentencing’ means a system by which—

“(A) the court has discretion on imposing the actual length of the sentence imposed, up to the statutory maximum; and

“(B) an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence;

“(2) the term ‘serious violent felony’ means—

“(A) an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another and has a maximum term of imprisonment of 10 years or more,

“(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense and has a maximum term of imprisonment of 10 years or more, or

“(C) such crimes including murder, assault with intent to commit murder, arson, armed burglary, rape, assault with intent to commit rape, kidnapping, and armed robbery; and

“(3) the term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.”

SEC. 102. CONFORMING AMENDMENTS.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

(1) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(2) FUNDING.—(A) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(B) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as such Act was in effect on the day preceding the date of enactment of this Act.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) REPEAL.—(A) Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(B) The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II.

(2) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as such subtitle was in effect on the day preceding the date of enactment of this Act.

(3) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law En-

forcement Act of 1994 is amended by striking the matter relating to title V and inserting the following:

“TITLE V—TRUTH-IN-SENTENCING GRANTS

“Sec. 501. Authorization of grants.

“Sec. 502. General grants.

“Sec. 503. Truth-in-sentencing grants.

“Sec. 504. Special rules.

“Sec. 505. Formula for grants.

“Sec. 506. Accountability.

“Sec. 507. Authorization of appropriations.

“Sec. 508. Definitions.”

TITLE II—STOPPING ABUSIVE PRISONER LAWSUITS

SEC. 201. EXHAUSTION REQUIREMENT.

Section 7(a)(1) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by striking “in any action brought” and inserting “no action shall be brought”;

(2) by striking “the court shall” and all that follows through “require exhaustion of” and insert “until”; and

(3) by inserting “are exhausted” after “available”.

SEC. 202. FRIVOLOUS ACTIONS.

Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)) is amended by adding at the end the following:

“(3) The court shall on its own motion or on motion of a party dismiss any action brought pursuant to section 1979 of the Revised Statutes of the United States by an adult convicted of a crime and confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.”

SEC. 203. MODIFICATION OF REQUIRED MINIMUM STANDARDS.

Section 7(b)(2) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

SEC. 204. PROCEEDINGS IN FORMA PAUPERIS.

(a) DISMISSAL.—Section 1915(d) of title 28, United States Code, is amended—

(1) by inserting “at any time” after “counsel and may”;

(2) by striking “and may” and inserting “and shall”;

(3) by inserting “fails to state a claim upon which relief may be granted or” after “that the action”; and

(4) by inserting “even if partial filing fees have been imposed by the court” before the period.

(b) PRISONER'S STATEMENT OF ASSETS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following:

“(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a) of this section, such prisoner shall include in that affidavit a statement of all assets such prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to that institution relating to the extent of the prisoner's assets. The court shall require full or partial payment of filing fees according to the prisoner's ability to pay.”

TITLE III—STOP TURNING OUT PRISONERS

SEC. 301. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

“§3626. Appropriate remedies with respect to prison conditions

“(a) REQUIREMENTS FOR RELIEF.—

“(1) LIMITATIONS ON PROSPECTIVE RELIEF.—Prospective relief in a civil action with respect to prison conditions shall extend no further

than necessary to remove the conditions that are causing the deprivation of the Federal rights of individual plaintiffs in that civil action. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn and the least intrusive means to remedy the violation of the Federal right. In determining the intrusiveness of the relief, the court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(2) PRISON POPULATION REDUCTION RELIEF.—In any civil action with respect to prison conditions, the court shall not grant or approve any relief whose purpose or effect is to reduce or limit the prison population, unless the plaintiff proves that crowding is the primary cause of the deprivation of the Federal right and no other relief will remedy that deprivation.

"(b) TERMINATION OF RELIEF.—

"(1) AUTOMATIC TERMINATION OF PROSPECTIVE RELIEF AFTER 2-YEAR PERIOD.—In any civil action with respect to prison conditions, any prospective relief shall automatically terminate 2 years after the later of—

"(A) the date the court found the violation of a Federal right that was the basis for the relief; or

"(B) the date of the enactment of the Stop Turning Out Prisoners Act.

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervenor shall be entitled to the immediate termination of any prospective relief, if that relief was approved or granted in the absence of a finding by the court that prison conditions violated a Federal right.

"(c) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A) beginning on the 30th day after such motion is filed, in the case of a motion made under subsection (b); and

"(B) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and ending on the date the court enters a final order ruling on that motion.

"(d) STANDING.—Any Federal, State, or local official or unit of government—

"(1) whose jurisdiction or function includes the prosecution or custody of persons in a prison subject to; or

"(2) who otherwise is or may be affected by; any relief whose purpose or effect is to reduce or limit the prison population shall have standing to oppose the imposition or continuation in effect of that relief and may intervene in any proceeding relating to that relief. Standing shall be liberally conferred under this subsection so as to effectuate the remedial purposes of this section.

"(e) SPECIAL MASTERS.—In any civil action in a Federal court with respect to prison conditions, any special master or monitor shall be a United States magistrate and shall make proposed findings on the record on complicated factual issues submitted to that special master or monitor by the court, but shall have no other function. The parties may not by consent extend the function of a special master beyond that permitted under this subsection.

"(f) ATTORNEY'S FEES.—No attorney's fee under section 722 of the Revised Statutes of the United States (42 U.S.C. 1988) may be granted to a plaintiff in a civil action with respect to prison conditions except to the extent such fee is—

"(1) directly and reasonably incurred in proving an actual violation of the plaintiff's Federal rights; and

"(2) proportionally related to the extent the plaintiff obtains court ordered relief for that violation.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(2) the term 'relief' means all relief in any form which may be granted or approved by the court, and includes consent decrees and settlement agreements; and

"(3) the term 'prospective relief' means all relief other than compensatory monetary damages."

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all relief (as defined in such section) whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The item relating to section 3626 in the table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by striking "crowding" and inserting "conditions".

TITLE IV—ENHANCING PROTECTION AGAINST INCARCERATED CRIMINALS

SEC. 401. PRISON SECURITY.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 4048. Strength-training of prisoners prohibited

"The Bureau of Prisons shall ensure that—

"(1) prisoners under its jurisdiction do not engage in any physical activities designed to increase their fighting ability; and

"(2) all equipment designed for increasing the strength or fighting ability of prisoners promptly be removed from Federal correctional facilities and not be introduced into such facilities thereafter except as needed for a medically required program of physical rehabilitation approved by the Director of the Bureau of Prisons."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of title 18, United States Code, is amended by adding at the end the following new item:

"4048. Strength-training of prisoners prohibited."

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA.

Mr. CANADY of Florida. Mr. Chairman, I offer an amendment, amendment No. 16, which has been printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CANADY of Florida: Page 18, line 11, after "agreements" insert "(except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the civil proceeding which such agreement settled)".

Mr. CANADY of Florida. Mr. Chairman, this is a technical amendment, and is intended to clarify the definition of the term "relief" as used in title III of the bill, the provisions of the bill relating to prison conditions litigation.

The amendment makes clear that any prison conditions litigation may be settled between the parties without the involvement of the Federal court. There should be no question that this bill allows parties to settle prison condition cases out of court.

Through this clarifying amendment, settlement agreements that do not require court enforcement are explicitly removed from the definition of the term "relief" contained in the bill.

Mr. Chairman, I urge the passage of the clarifying amendment, and I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just engage my colleague in a colloquy to get a better understanding of what he is trying to do.

Mr. Chairman, the gentleman says that he is exempting from the attorney's fees provisions for any private settlement. I guess the concern I have is I am not aware of any prison litigation which is taking place which has been settled without either court approval or court involvement of some kind.

□ 1240

These cases simply do not resolve themselves in the way that an automobile accident resolves itself. In fact, every prison litigation involves a public issue which typically is brought as a class action and under the rules of civil procedure cannot be settled without court involvement.

I am trying to get a better understanding of what you think you are accomplishing. I do not really think this amendment accomplishes anything based on my understanding of the way these kinds of litigation cases play themselves out.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. I thank the gentleman for yielding.

Mr. Chairman, let me say this. I think the gentleman is correct in stating that in most cases, court involvement is required to settle prison condition litigation. I do not think there is any dispute about that. There are circumstances, however, in which particular matters, particular cases can be settled without the involvement of the court.

In this amendment we are just trying to make absolutely certain that in those cases, none of the provisions of this bill would have to come into play.

I understand that you have an underlying problem with the provision of the bill that requires that in order for the court to order any relief, there must

have been a specific finding that an individual was deprived of his constitutional rights, and I understand that you believe that that—

Mr. WATT of North Carolina. Mr. Chairman, just reclaiming my time, that is not the focus of my concern about this amendment. I think the focus of my concern is that the gentleman is covering cases that do not exist. So the need for this amendment, I just do not understand.

Can the gentleman cite one case that he is aware of, a prison litigation case or a prison condition case where the case has been resolved by private settlement? I take it that would be the only situation that the gentleman's language would apply to.

Mr. CANADY of Florida. Mr. Chairman, if the gentleman would yield, this specifically would also apply in circumstances where there was a class action and the class action was going to be dismissed. In order to dismiss any class action, the court must approve the dismissal and that will come into play potentially in these circumstances, and this definition would take that circumstance into account and would allow the dismissal of such class actions with the court's approval without any specific finding of any particular facts with respect to constitutional deprivations.

Mr. WATT of North Carolina. I am not necessarily going to speak in opposition to the gentleman's amendment, but I think the gentleman is not going to be able to override the Federal Rules of Civil Procedure and the body of case law that has to do with the lawyers' and the courts' responsibility to members of a class of people who are not even before the court by sticking this little amendment into the bill.

I think while it may not do any harm, I hope the gentleman is not going to go out and tell anybody that this solves any kind of problem that exists.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. I understand the gentleman's concerns. I understand that the gentleman views our approach as fundamentally flawed. I believe that this does address some of the concerns that other people have raised, and I believe it does so in a way that is efficient.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CANADY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHAPMAN

Mr. CHAPMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHAPMAN: Page 2, after line 3, insert the following:

SEC. 2. CONDITION FOR GRANTS.

(a) STATE COMPLIANCE.—The provisions of title V of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, shall not take effect until 50 percent or more of the States have met the requirements of 503(b) of such Act.

(b) REPORT.—Beginning in fiscal year 1996, the Attorney General shall submit a report to the Congress not later than February 1 of each fiscal year regarding the number of States that have met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act.

(c) EFFECTIVE DATE.—Beginning on the first day of the first fiscal year after the Attorney General has filed a report that certifies that 50 percent or more of the States have met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

(d) PRISONS.—Until the requirements of this section are met, title II of the Violent Crime Control and Law Enforcement Act of 1994 shall remain in effect as such title was in effect on the day preceding the date of the enactment of this Act.

Mr. CHAPMAN. Mr. Chairman, I want to begin by thanking the majority, the gentleman from Florida [Mr. MCCOLLUM], the chairman, for all his hard work and the work we did last year on truth-in-sentencing.

I must take just a minute to remind my colleagues and remind the House of where we are on this issue of prisons and how current law works.

The 1994 crime bill, clearly the toughest provision of it was the truth-in-sentencing provisions. Those provisions assume, one, that our prison systems are overcrowded and, two, that if we want violent criminals to go to prison and stay there longer, we need to assist the States.

We created in that legislation two pots of money: One in which at the discretion of the Attorney General based upon violent crime rates in the country, assistance from the Federal level would go to build new State prisons to incarcerate violent criminals if the State made a good-faith effort to change or comply its laws to qualify for the second pot. The second pot quite honestly and very simply just said, "You've got to put more violent criminals in prison more often, for longer periods of time, and we will measure each of those standards in such a way that if you qualify, then you are eligible for the prison construction funds."

I think it is great to get as tough as we can on violent criminals. It is not so great to change the law today in such a way that the vast majority of the States cannot qualify for the prison funds. We cannot lock up violent criminals if we do not have a place to put them.

Current law, the 1994 crime bill, gives us a reasonable way to do both, get violent criminals in prison and a carrot, as the gentleman has suggested, to get the States to continue to get tougher and tougher and tougher each year on violent crime.

My first amendment bringing us up to the current point does simply this. It leaves in place current law. It leaves in place current law; that is, the financial resources there to assist the States for new prison construction and to incentivize the States to toughen their sentencing, toughen their prosecutions and lengthen the sentence for violent criminals. But it does so by saying that until at least half, 25 States can qualify under the new law, we do not stop the progress we have made, we do not cut off the spigot, we do not deny the States the ability to continue constructing prisons and moving forward. We will move forward under current law until half the States as certified by the Attorney General can qualify under this new bill.

In my discussions today on the floor of the House, I understand perhaps as few as only 3 States and at the most 6 States can qualify under this new legislation for prison construction funds. Forty-four States at the minimum are going to be shut out of this prison construction money, are going to be denied the fiscal resources to do the things that we ask them to do to lock up violent criminals, if we pass this bill.

Mr. Chairman, this amendment simply says we should not do that until we know at least half of our States can qualify for this funding, and that we continue the present program until the Attorney General can so certify.

With the notion here today or at least the belief that as many as 44 States cannot qualify under this bill, we will literally stop the good work of the last Congress, stop the good work of the gentleman from Florida, stop the work of getting violent criminals off our streets, stop the work of building new prisons, stop the work of incentivizing our States.

I will tell you, my State of Texas has said that there is no way that they can comply with a hard 85-percent rule, and that is from a State which currently is constructing or is under the largest prison construction period in the history of the country, Federal or State system.

We are building the prisons, 77,000 new prison beds in Texas, and even with those new prison beds added to the 40,000-plus prison beds we already have, we cannot comply with a hard and fast 85 percent rule. We cannot do it. And we are spending \$2 billion, with a "B", \$2 billion of Texas taxpayers' money for these new prisons.

Mr. Chairman, why would we want to pass a bill in the House today when Texas is doing what we have asked them to do? When Texas has doubled its sentences in the last 5 years for violent crime, why would we say now, "We're cutting you off, Texas"? And not only Texas, we are cutting off perhaps as many as 43 other States.

I ask my colleagues, we had better check with our prison authorities back at home. We had better check with our department of corrections officials. We

better find out what this bill does to us. We ought to pass this amendment to keep current law in place until we know the States can qualify for the funding.

□ 1250

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize that Texas does not qualify for the second pool of money, and I know quite a number of other States do not. We debated that and I concur.

What the gentleman wants to do wrecks the incentive program to get them to qualify. They could qualify any number of different ways, if they manage to lower the amount of sentence, if they want to qualify so that 85 percent of whatever it is, if they need to do that, then just lower the maximum sentence down in those areas. The statutes can be changed in all kinds of ways to qualify, if that is what is needed.

Of course, I want to see them serve 85 percent of real sentences, so if we have truth-in-sentencing, whatever it is the States are saying out there, let us at least let them serve 85 percent of whatever sentence is awarded.

The fact of the matter is the gentleman wants us to say we have to wait until 50 percent of all 50 States qualify to pass any money out. That destroys the incentive. That undermines the very premise of this pool of money that is out there, \$5 billion, dangling as a carrot to get the States to make the changes, to get the revolving door, the repeat violent felons off the streets. So it really undermines the essence of the bill to make the change the gentleman wants.

I would add one other caveat. I think the gentleman from Texas, having worked with me in good faith for a long time on this matter over a period of several years, understands fully that his State, as do virtually all of the States of the Union, qualifies for the first pool of money. There is another pot of \$5 billion out there that Texas will be able to draw from to help it assist in building its prisons immediately and in each fiscal year, and I daresay that the Attorney General will grant Texas, who needs the assistance in this regard, money to do that until such time as it feels it can pass the laws to make it qualify for the second pool of money.

I would further remind the gentleman that we have a 3-year grace period of once Texas gets to the point of saying look, within 3 years we get more money than we could get under the second pool of money, we can qualify to build the necessary beds that will get us to the 85 percent rule, at the level of the sentencing length that we want to be at for these serious, violent felons, then Texas can go ahead and get the money to be able to qualify at that point in time. They do not have to actually implement.

So there are all kinds of opportunities out there for the gentleman's

State as well as others to meet the needs of that State in building prisons to take these violent felons off the streets.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I appreciate the gentleman recognizing that our State has, which it has, and I appreciate the gentleman recognizing that our State has taken the initiative legislatively to qualify for the first pot of money, the \$5 billion.

But I would say to the gentleman, and would suggest that not every State has taken those steps, and not every State can qualify for that first pot of money if this legislation as currently drafted passes.

So while Texas has taken those initiatives, we still cannot qualify for the second pot, and I would suggest to the gentleman it is very likely, if not guaranteed, that not all States can qualify for even the first pot.

Mr. McCOLLUM. Reclaiming my time, it may be that not all States can qualify for the first pot, but I would guess that most do at this point, because it only requires minimum advancement of 1 day in the averages that are there. But I would suggest what we are dealing with here now again is a destruction by the gentleman's amendment of the very underlying premise of why truth-in-sentencing grants are out there, to offer the carrot that would get the job done in order to encourage States to make the motion to get to the 85-percent rule, to take these repeat felons off the streets.

If we do not keep those provisions in the bill the way they are today, we are not going to get States to take that step. They are never going to expend the money that is needed.

Do not forget that this is a 75-25 match. When they do take the steps under the first pool of money they get 75-percent grants from the Federal Government and only have to put up 25 percent. Boy, that is a good deal for States like Texas that are in need of building more prisons and are going to do it anyway. So they are going to get Federal assistance in doing it. That will move them a long way toward the golden rainbow they want to get to.

The other point we can make is our provision allows them to build not the most expensive type of prisons, but alternatives, boot camps even that might alleviate already existing hardened prison cells where they can put the violent felons, and that will again help them get there for the purposes of our bill, which does not cover truth-in-sentencing or all types of prisoners and criminals, only the most violent felons that are really the bad, bad apples that we are talking about in order to qualify.

So I am not in support of the gentleman's amendment. I must oppose it. I think that it is a gutting amendment

for the purposes of the truth-in-sentencing bill.

Mr. CRAMER. Mr. Speaker, I move to strike the last word, and I want to speak in strong support of my colleague from Texas's amendment here. I want to say I represent the State of Alabama, one of 44 of 47 States that likely would not qualify under this current approach to building prisons.

In my former life I was the president of the Alabama District Attorneys Association. I spent 10 years prosecuting violent offenders, violent juvenile offenders, and just this week I was checking on three of those who are in prisons where they will have to be released because there simply is not enough bed space or places to incarcerate those prisoners.

I think the 1994 crime bill made sense. I think we started an effective partnership with the States where we gave the States a hand in building prisons, and we told them that we wanted to be part of the solution, not part of the problem.

I think it is only fair and this amendment seeks to address that, that we amend this incarceration provision so that we do allow States to begin gaining in this partnership with us, and I think it is only fair that we rectify this by saying that when 50 percent of them reach this level then we will provide prison grants for the States.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and I do so with a certain degree of reluctance because the gentleman from Texas who has offered this amendment has been a leader in trying to establish truth-in-sentencing laws in his own State and throughout the country. Nevertheless, I must agree with the views of the gentleman from Florida, the subcommittee chairman, that what we are trying to do there is to help those States which are going to move ahead to protect their citizens by keeping confined the most violent of criminals. And we do not want to penalize those States willing to move ahead now because other States, for whatever reason, are not willing to move. And, as has already been pointed out, half of this money is most likely going to be available to virtually every State immediately. That is over \$5 billion, but I suggest we want to make the other half of this fund the other approximately \$5 billion available immediately to those States that say yes, we are going to confine our worst offenders for as long as possible.

I would again reiterate the fact that in this bill there is a 3-year grace period, that if a State does not have a provision that requires the serving of a minimum of 85 percent of a prison term for a serious violent felon now, if they enact it, it does not have to go into effect in their States for 3 years before they are still eligible now for those funds to assist them at that time.

I think we want to help those States move forward now. Several States obviously already have. I am convinced other States will if they get some further assistance on what everyone acknowledges is going to be an expensive but a necessary undertaking.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

This is an amendment that truly goes halfway to the other side, and is one that I commend the gentleman from Texas [Mr. CHAPMAN] for and our colleague on the committee, the gentleman from New York [Mr. SCHUMER].

The country has a violent offender program that is working at this minute, and it is in the 1994 crime bill prisoner grant program.

We know that this program works, we know that most of the States choose to take advantage of it and those that can, do. But, H.R. 667 would totally disrupt the program and it will replace the carefully negotiated, well-known conditions of the 1994 crime bill being implemented as we speak and replace it with different formulas and different conditions.

The people at the Department of Justice and elsewhere believe that perhaps three States could qualify for one-half of the funds under the present funding scheme in H.R. 667.

□ 1300

But this amendment simply says let us keep the program that we have now, one that we know that works and is working until such time it is clear the new program will work. That is about all that we are doing here is forming a bridge to make sure that there is continuity and coordination until half the States would qualify under 667.

And the point that we are making is that if the new majority is right and 667 should kick in real soon, fine, but if they are not, with this 50 percent or more requirement that the States are meeting the so-called truth-in-sentencing, we will be able to have something during the time that we are waiting until more States are able to qualify under the very complex provisions of the proposals that are in 667.

So let us be smart and bipartisan and support Chapman-Schumer at the same time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CHAPMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CHAPMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 261, not voting 4, as follows:

[Roll No. 110]

YEAS—169

Abercrombie	Gerren	Obey
Ackerman	Gibbons	Olver
Baessler	Gonzalez	Ortiz
Baldacci	Green	Orton
Barrett (WI)	Gutierrez	Owens
Becerra	Hall (OH)	Pallone
Beilenson	Hall (TX)	Pastor
Bentsen	Hastings (FL)	Payne (NJ)
Berman	Hayes	Payne (VA)
Bevill	Hilliard	Pelosi
Bishop	Hinchey	Peterson (FL)
Bonior	Hoekstra	Pomeroy
Borski	Holden	Rahall
Brewster	Hoyer	Rangel
Browder	Jackson-Lee	Reed
Brown (CA)	Johnson, E.B.	Reynolds
Brown (FL)	Johnston	Richardson
Brown (OH)	Kanjorski	Rivers
Bryant (TX)	Kaptur	Roemer
Cardin	Kennedy (MA)	Roybal-Allard
Chapman	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sawyer
Clyburn	Klecza	Schroeder
Coleman	Klink	Schumer
Collins (IL)	Knollenberg	Scott
Conyers	LaFalce	Serrano
Coyne	Lantos	Skaggs
Cramer	Laughlin	Slaughter
Danner	Levin	Stark
de la Garza	Lewis (GA)	Stokes
DeFazio	Lincoln	Studds
DeLauro	Lofgren	Stupak
Dellums	Lowe	Tejeda
Dicks	Luther	Thompson
Dingell	Maloney	Thornton
Dixon	Manton	Torres
Doggett	Markley	Torricelli
Dooley	Mascara	Towns
Doyle	Matsui	Tucker
Durbin	McCarthy	Upton
Edwards	McDermott	Velázquez
Engel	McHale	Vento
Eshoo	McKinney	Visclosky
Evans	Meehan	Volkmer
Farr	Meek	Ward
Fattah	Menendez	Waters
Fazio	Mfume	Watt (NC)
Filner	Miller (CA)	Waxman
Flake	Mineta	Williams
Foglietta	Mink	Wilson
Ford	Moakley	Wise
Frank (MA)	Mollohan	Woolsey
Frost	Moran	Wynn
Furse	Nadler	Yates
Gejdenson	Neal	
Gephardt	Oberstar	

NAYS—261

Allard	Chabot	Ewing
Andrews	Chambliss	Fawell
Archer	Chenoweth	Fields (LA)
Army	Christensen	Fields (TX)
Bachus	Chrysler	Flanagan
Baker (CA)	Clement	Foley
Baker (LA)	Clinger	Forbes
Ballenger	Coble	Fowler
Barcia	Coburn	Fox
Barr	Collins (GA)	Franks (CT)
Barrett (NE)	Combest	Franks (NJ)
Bartlett	Condit	Frelinghuysen
Barton	Cooley	Frisa
Bass	Costello	Funderburk
Bateman	Cox	Gallegly
Bereuter	Crane	Ganske
Bilbray	Crapo	Gekas
Bilirakis	Creameans	Gilchrest
Bliley	Cubin	Gillmor
Blute	Cunningham	Gilman
Boehlert	Davis	Goodlatte
Boehner	Deal	Goodling
Bonilla	DeLay	Gordon
Bono	Deutsch	Goss
Boucher	Diaz-Balart	Graham
Brownback	Dickey	Greenwood
Bryant (TN)	Doolittle	Gunderson
Bunn	Dornan	Gutknecht
Bunning	Dreier	Hamilton
Burr	Duncan	Hancock
Burton	Dunn	Hansen
Buyer	Ehlers	Harman
Callahan	Ehrlich	Hartst
Calvert	Emerson	Hastings (WA)
Camp	English	Hayworth
Canady	Ensign	Hefley
Castle	Everett	Hefner

Heineman	McKeon	Schiff
Henger	McNulty	Seastrand
Hilleary	Metcalf	Sensenbrenner
Hobson	Meyers	Shadegg
Hoke	Mica	Shaw
Horn	Miller (FL)	Shays
Hostettler	Minge	Shuster
Houghton	Molnari	Sisisky
Hunter	Montgomery	Skeen
Hutchinson	Moorhead	Skelton
Hyde	Morella	Smith (NJ)
Inglis	Murtha	Smith (TX)
Istook	Myers	Smith (WA)
Jacobs	Myrick	Solomon
Jefferson	Nethercutt	Souder
Johnson (CT)	Neumann	Spence
Johnson (SD)	Ney	Spratt
Johnson, Sam	Norwood	Stearns
Jones	Nussle	Stenholm
Kasich	Oxley	Stockman
Kelly	Packard	Stump
Kim	Parker	Talent
King	Paxon	Tanner
Kingston	Peterson (MN)	Tate
Klug	Petri	Tauzin
Kolbe	Pickett	Taylor (MS)
LaHood	Pombo	Taylor (NC)
Largent	Porter	Thomas
Latham	Portman	Thornberry
LaTourette	Poshard	Thurman
Lazio	Pryce	Tiahrt
Leach	Quillen	Torkildsen
Lewis (CA)	Quinn	Trafficant
Lewis (KY)	Radanovich	Vucanovich
Lightfoot	Ramstad	Waldholtz
Linder	Regula	Walsh
Lipinski	Riggs	Wamp
Livingston	Roberts	Watts (OK)
LoBiondo	Rogers	Weldon (FL)
Longley	Rohrabacher	Weldon (PA)
Lucas	Ros-Lehtinen	Weller
Manzullo	Roth	White
Martinez	Roukema	Whitfield
Martini	Royce	Wicker
McCollum	Salmon	Wolf
McCrery	Sanders	Wyden
McDade	Sanford	Young (AK)
McHugh	Saxton	Young (FL)
McInnis	Scarborough	Zeliff
McIntosh	Schaefer	Zimmer

NOT VOTING—4

Collins (MI)	Smith (MI)
Rose	Walker

□ 1320

The Clerk announced the following pair:

On this vote:

Miss Collins of Michigan for, with Mr. Walker against.

Mr. SKELTON and Mr. CHALLAHAN changed their vote from “aye” to “no.”

Mr. HOEKSTRA, Mrs. MEEK of Florida, and Messrs. KENNEDY of Rhode Island, KLINK, DOYLE, MASCARA, HALL of Texas, McHALE, BARRETT of Wisconsin, and PAYNE of Virginia changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1320

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: PAGE 4, LINE 21, STRIKE “, AND” AND INSERT A SEMICOLON.

Page 5, line 2, strike the period and insert “; and”.

Page 5, after line 2, insert the following paragraph:

(3) laws requiring that the releasing authority notify the victims of serious violent felons or the family of such victims and the convicting court regarding the release of a defendant.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, my amendment says that, when a serious violent felon is being released from prison, the releasing authority shall notify the victims, the family of the victims and the convicting court of that release.

Many of these prisoners when convicted say, "When I get out, I'm going to hurt you." This will prevent that.

Mr. Chairman, it is a good measure. It is accepted by both sides.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the gentleman's amendment is a good amendment. It is an amendment which would say that, as he has stated, "that if you have a serious violent felon out there that has committed a very serious crime, you have to notify the victims and the convicting court when you release him from jail."

It seems like a good thing to do for anybody, and it is a condition that adds to the already existing conditions on victims rights in this bill, and I would be more than happy to accept the amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member.

Mr. CONYERS. The gentleman's amendment, Mr. Chairman, is a very practical one that requires notification in those instances where someone is being released and that the victim's family would be able to know about it, or police officers, or others. We have had a number of cases of intimidation, and sometimes actual violence that has occurred, and this kind of notification would work no harm on anyone in or out of the court system, and it does follow along with the protection for victims that we have examined before.

I commend the gentleman from Ohio [Mr. TRAFICANT] for offering the amendment and applaud the fact that we have received the support of the other side.

Mr. TRAFICANT. Mr. Chairman, I think all these comments explain it very well, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHUMER: Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12, and insert the following:

TITLE I—PRISON BLOCK GRANT PROGRAM

SEC. 101. LOCAL CONTROL PRISON GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Prison Block Grants

"SEC. 201. PAYMENTS TO STATE GOVERNMENTS.

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Attorney General shall pay to each State which qualifies for a payment under this title an amount equal to the sum of the amount allocated to such State under this title for each payment period from amounts appropriated to carry out this title.

"(2) USE.—Amounts paid to a State under this section shall be used by the State for confinement of persons convicted of serious violent felonies, including but not limited to, one or more of the following purposes:

"(A)(i) Building, expanding, operating, and maintaining space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony.

"(ii) Building, expanding, operating, and maintaining temporary or permanent correctional facilities, including boot camps, and other alternative correctional facilities, including facilities on military bases, for the confinement of convicted nonviolent offenders and criminal aliens for the purpose of freeing suitable existing space for the confinement of persons convicted of a serious violent felony.

"(iii) Contributing to funds administered by a regional compact organized by two or more States to carry out any of the foregoing purposes.

"(b) TIMING OF PAYMENTS.—The Attorney General shall pay to each State that has submitted an application under this title not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by section 203(d),

whichever is later.

"(c) ADJUSTMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this title to a State to the extent that a prior payment to the State was more or less than the amount required to be paid.

"(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a State only if the Attorney General determines the need for the increase or decrease, or if the State requests the increase or decrease, not later than one year after the end of the payment period for which a payment was made.

"(d) RESERVATION FOR ADJUSTMENT.—The Attorney General may reserve a partnership of not more than 2 percent of the amount under this section for a payment period for all States, if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the States.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, any amount that is—

"(A) paid to the State from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Attorney General.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(f) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to States shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of funds under this title, be made available from State sources.

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

"(1) \$232,000,000 for fiscal year 1995;

"(2) \$997,500,000 for fiscal year 1996;

"(3) \$1,330,000,000 for fiscal year 1997;

"(4) \$2,527,000,000 for fiscal year 1998;

"(5) \$2,660,000,000 for fiscal year 1999; and

"(6) \$2,753,100,000 for fiscal year 2000.

"(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 203. QUALIFICATION FOR PAYMENT.

"(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State is required to give notice to the Attorney General regarding the proposed use of assistance under this title.

"(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—A State qualifies for a payment under this title for a payment period only if the State submits an application to the Attorney General and establishes, to the satisfaction of the Attorney General, that—

"(1) the State will establish a trust fund in which the State will deposit all payments received under this title;

"(2) the State will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) the State will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the State;

"(4) the State will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

"(5) after reasonable notice from the Attorney General or the Comptroller General to the State, the State will make available to the Attorney General and the Comptroller General, with the right to inspect, records that the Attorney General reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

"(6) a designated official of the State shall make reports the Attorney General reasonably requires, in addition to the annual reports required under this title; and

"(7) the State will spend the funds only for the purposes authorized in section 201(a)(2).

"(c) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Attorney General determines that a State has not complied substantially with the requirements or regulations prescribed under subsection (b), the Attorney General shall notify the State that if the State does not take corrective action within 60 days of such notice, the Attorney General will withhold additional payments to the State for the current and future payment period until the Attorney General is satisfied that the State—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsection (b).

"SEC. 204. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Except as provided in section 203(c), of the total amounts appropriated for this title for each payment period, the Attorney General shall allocate for States—

"(1) 0.25 percent to each State; and

"(2) of the total amounts of funds remaining after allocation under paragraph (1), an amount that is equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(b) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if the data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this title.

"SEC. 205. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this title may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 201(a)(2).

"SEC. 206. PUBLIC PARTICIPATION.

"(a) IN GENERAL.—A State expending payments under this title shall hold at least one public hearing on the proposed use of the payment from the Attorney General.

"(b) VIEWS.—At the hearing, persons, including elected officials of units of local government within such State, shall be given an opportunity to provide written and oral views to the State and to ask questions about the entire budget and the relation of the payment from the Attorney General to the entire budget.

"(c) TIME AND PLACE.—The State shall hold the hearing at a time and place that allows and encourages public attendance and participation.

"SEC. 207. ADMINISTRATIVE PROVISIONS.

"For the purposes of this title:

"(1) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(2) The term 'payment period' means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

"(3) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter,

forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports."

Mr. SCHUMER. Mr. Chairman, this is the block grant amendment to H.R. 667. It is a very, very simple concept. It says, "Let the money for building prisons be distributed to the States on a block grant basis without any formula that stands in the way of the States getting the money." We take the language; the block grant language is the very same language in H.R. 3 that applies to the police and the prevention parts of the bill; and what we do is we distribute the money to the States and say, "As long as you're building and operating prisons, you may use that money."

What is the difference? My colleagues, the difference is very simple:

"If you are in any of these States, which is all of them, under this amendment your State will get money, millions of dollars, to build prisons. If you vote no on this amendment and keep the very complicated formula now in H.R. 3, your State will get no money."

H.R. 3 sounds good, but according to the attorney general, just as recently as this morning—who is in charge of administering H.R. 3, should it become law, not a single State will get money.

Now we make a very simple argument:

The other side has argued that block grants are the way to go. It certainly is the way to go for police, as in the bill that will be before us Monday. It certainly is the way to go for prevention, which is the bill that will be before us Monday. Why in God's name is it different for prisons?

We are making H.R. 3 consistent. We are saying very simply:

If you want your State to get money and build the prisons that are needed, support the block grant. If you're from California, New York, Texas, Illinois, Michigan, any of the States in this country, your State will get real dollars under the block grant.

Many objected to the formula in the crime bill last year. This amendment takes out that formula. Many object to the formula in H.R. 3. It takes out that formula. It simply says, if the States know what they are doing, if we want to return responsibility for fighting crime back to the States, then give them the money, and let them build.

I say to my colleagues, "If you vote for this amendment, that's what will happen."

I say to my colleagues, Yes, we want the States to incarcerate more violent criminals. No question about it. But under the present law your State will not get the money—you're from Illinois, you're from Pennsylvania, you're from Louisiana, you're from Florida; your State won't get money, at the very best, for 3 years, and at the very worst, for 20 years, under H.R. 3, but under the block grant you will.

So what are we doing here, my colleagues?

I hear the anguish of my constituents when they complain about crime. I hear the plaintive cry of police officers who say they arrest criminals and they are back out on the streets. I care about that, and that is why I have proposed this amendment. I propose this amendment because instead of a lot of verbiage and a very complicated formula that at best is under dispute as to how much it gives to each State, give them a block grant.

What about the language for how the money is distributed under the block grant? It is the very same language proposed by the majority, the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. MCCOLLUM], that distributes the money for police, that distributes the money for prevention.

□ 1330

So I say to my colleagues very simply, if you want to get tough on crime, put your money where your mouth is. A no vote on this amendment will deprive your State of millions of dollars of badly needed prison building dollars.

So it is a simple amendment, my friends. It is not complicated. It is not what you would say is the old way, which means lots of formulas, lots of Federal intervention. It simply says States, here is your money; go build the prisons.

The public will be watching. They will want to see if we really want to get tough on crime, or if we just want fidelity to some document that was poorly written and poorly planned. I urge a "yes" vote on the block grant amendment.

Mr. SCHIFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an extension of a debate that, of course, began in the Committee on the Judiciary, and I understand the position of the gentleman from New York. But let me take this a step further.

What the gentleman from New York is essentially arguing is if our side has proposed a block grant approach to assist State and local law enforcement with police and prevention programs, why then would we propose grants that have certain conditions with respect to prisons? The gentleman is essentially asking, is there not a contradiction somewhere?

Well, if there is a contradiction, Mr. Chairman, it is not at that point. If there is any contradiction at all with what the majority is proposing, it is the fact that we propose identifiable prison grants. Because it could be argued why not give the money to the States to choose whether or not to build prisons? Maybe some States do not want to build prisons.

Now, the problem with that hypothetical is it does not fit any realistic situation. The gentleman from New York has recognized that, because his amendment to this bill is also a prison grant proposal.

So what we have in common here is that both those of us who authored the original bill and the gentleman from New York's amendment are for prison grants. We are both making the assumption that every State has made a decision that it needs a prison system of some kind.

So there really is no debate here about are we in some way infringing upon State and local judgment by offering prison grants, because we both know that prison grants are necessary and we both have offered prison grants. So that is not the difference between us.

The difference between us, Mr. Chairman, with respect to this amendment is that under the amendment offered by the gentleman from New York [Mr. SCHUMER], it will be business as usual in the prison systems throughout much of the United States. It will be the continuation of revolving door justice. It will be the continuation of as soon as the police complete a case and go on to the next case, they find in a relatively short period of time they have got the same violent offender back to deal with again.

What the bill says as written is that we recognize those States that are seeking to improve their system, which is to extend the time of incarceration of serious violent felons. And this is in two ways. One way is the truth in sentencing approach, but that is half the money. The other half of the money is for simply an increase in the incarceration of serious violent criminals, without the specificity of serving 85 percent of the maximum.

We are saying that we understand that those state legislatures which have undertaken to protect their citizens from violent criminals will within their prison systems absorb greater costs, because there is no doubt, there is no hiding from the fact, the longer a prison sentence is, the more costs there will be to the State.

Now, the States that are recognizing that the cost is worth it, that the protection of their citizens is not only worth the expenditure in and of itself, but it saves money, because criminals, especially career criminals, will cost the taxpayers more money on the outside than the wildest imagined cost of their incarceration, we recognize those States will spend more money to incarcerate serious violent criminals longer. And as an incentive to help those States improve the prison system and the revolving door justice, we have written the bill with these incentives. To go to the block grant system at this point would be to say to the States that have a revolving door now, "You can keep it. You can pretend like you are doing something to protect your citizens, when you are not doing enough."

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Illinois.

Mr. HYDE. It is not enough to arrest violent criminals. It is not enough to convict them. It is not enough to lock them in jail. You have got to keep them in jail. If there is one thing that offends the public, it is knowing that you get a 10-year sentence and you are out in 3.

This bill provides the incentive necessary to have the States elevate their sentencing to 85 percent of the years granted. That is what the public wants. We would be very foolish just to say build more prisons, if the same 5 to 7 percent of the hardened criminals that commit 70 percent of the crime go in and come out, go in and come out.

We can kill two birds with one stone here by providing the resources to build the badly needed prisons, but at the same time make sure that these violent, and we are talking about violent felons, get locked up for a decent term, at least 85 percent of their sentence.

So we would be just foolish to give the money and say do the right thing. We are going to goad them to do the right thing by providing this carrot, this incentive.

So I reject the amendment, however much I am warmed by the fact the gentleman from New York [Mr. SCHUMER] likes the block grant approach.

Mr. SCHIFF. Mr. Chairman, reclaiming my time, I would just like to say, and this may or may not be significant, but I would note in the gentleman's amendment he has added a word which does not appear in our bill. The amendment says that "The funding can be for expanding, operating, and maintaining temporary or permanent correctional facilities, including boot camps and other alternative correctional facilities."

The word "alternative" does not appear in our bill. The word "alternative" has come to mean something other than confinement. I wonder if the gentleman can explain if that is in fact what he means.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

Mr. VOLKMER. Mr. Chairman, I have been sitting here listening to this debate, and I just really wonder how many Members of this body have done as I have done? I have been working with the State of Missouri for some time now because we have been trying to comply with and work with the present law, the 1994 crime bill, to get additional money to build prisons for our criminals. Not only that, the State of Missouri, under the leadership of our Governor, has this year proposed in their budget a large increase for prison construction, because we know that we need to have that prison construction, because last year the general assembly and our Missouri Governor did a truth-in-sentencing law.

So you think, hey, we are doing good. We are taking criminals and putting

them in prisons, making them serve longer sentences, and we have got a truth-in-sentencing law. So we ought to comply under the 1994 act.

Well, under the general provisions, we do. Under the truth-in-sentencing, we do not. Under this bill we get nothing. Under this bill we get nothing. Under this bill we get nothing.

Why do we not get it? For the simple reason that our truth-in-sentencing law is not in compliance with last year's law because we did not use the words "violent criminals."

□ 1340

We used a definition that does not comply, and we actually set, the Missouri General Assembly actually set up the criminal actions, the crimes that could be punishable, that were severe enough. And they do not qualify as all total encompassing.

As a result, we are not going to be in compliance with the present law under the truth-in-sentencing. That is a little silly. It is a little bit silly.

Now, what do we do under the bill? We do not keep that terminology. We change it to violent felonies. Now we are going to have a new definition of what they have to comply with. And as a former member of the Missouri General Assembly, I want my colleagues to know, those that have served in a State legislature, how many times did they object to the Federal Government telling them how to write in detail the laws of the State of Texas, the State of Illinois, the State of Georgia, or any other State? But that is what we are doing in this bill. We are trying to tell the State legislative bodies that this is the way they have to write it in detail, if they want these penitentiary monies, if they want to build prisons.

I have been corresponding with my department of corrections head, with my Governor's office about this quandary, because we want to build prisons. We want to put criminals, violent criminals, behind bars. We want to keep them there for 85 percent of their time. But they are not going to help us one bit.

To the gentleman from Illinois, I say, "When you threw that rock, you didn't get two birds, you got none. You didn't get any with this bill. You are going to miss the whole mark."

That is why I support the amendment of the gentleman from New York, because for sure, I am going to have prisons under a block grant. There are not all of these onerous conditions on my State legislature and my Governor.

I said that this would come up, this debate would occur back when we were talking about the unfunded mandates. I had an amendment to that, which I withdrew, but I wanted to discuss it. And this is it.

Sometimes we think we know it all. We know it all. Well, they are trying it right now. They are saying they know what is good for the States, they know how they should have to write their legislation in order to get this money.

Where did the money come from? It did not grow on trees out here. It did not float from the sky. That money came from right back home, folks. It sure did, and what is that? I thought we had Members up here that believed in States rights.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 3 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I remember the gentleman was a leader in resisting the 55-mile-an-hour speed limit that was imposed by the Federal Government on the States, and the gentleman was in violent opposition to the Highway Beautification Program. The gentleman is a crusader for States rights. He speaks with some credibility. I just suggest that you do not need to be a nuclear physicist to understand that we ought to lock these people up and not kid the people that 10 years means 3 years. And the gentleman ought to help us do that.

Mr. VOLKMER. Mr. Chairman, what I am trying to tell the gentleman is that the State legislatures that want to do it, like Missouri wants to do it, we are doing it. We have got to build new prisons. We are taking money away from higher education, from mental health and everything to build those prisons, right now in this year's budget. We already have truth-in-sentencing. It just does not meet the little bit of criteria that the gentleman writes, so we do not get any of the Federal money. But we are going to do it on our own anyway.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, he can meet it and get his share.

Mr. VOLKMER. No. We cannot get it. Under this bill, I get some money. It is going to help my State. And maybe under that, maybe Missouri's higher education will be able to get a little more of the budget because they will get a little bit of their money back from the Federal Government that they send here anyway. That is what the Schumer amendment does.

I strongly support it. If Members really believe in States rights, if they really believe in building prisons and letting the legislature decide, I hope they have as good sense as the State of Missouri and a few other States that have truth-in-sentencing, because I believe in truth-in-sentencing. But I do not believe that I should dictate it to anybody, especially a State legislative body. I believe that that State legislative body and that Governor should be able to decide on its own what is good for their own State. I do not believe that I should make that decision for them.

I do not believe that I have all the answers, that I am smarter than they

are. That is what the bill says. You are smarter than the State legislative bodies and governors.

I object to it. I feel strongly, I urge everybody to support the amendment of the gentleman from New York.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for those who doubt that there is progress, they should have been at the Committee on the Judiciary markup on this bill. Because there is the most blatant, glaring, irreconcilable inconsistency in approach between this bill, which dictates to the States, which assumes that the State legislatures are not smart enough or courageous enough or courageous enough to deal with sentencing, and we have heard Members on the other side say, in effect, we cannot trust the State legislatures to do this on their own so we have to tell them how to do it. That is a total inconsistency between this and the bill we will see on Monday, where in fact they say, we will give things to the States and we should not proscribe anything because that would be an interference with States' rights.

At the committee session, the best answer we got to that was the chairman citing Ralph Waldo Emerson that a foolish consistency is the hobgoblin of small minds, which I pointed out is a remark everybody says when they get caught in an inconsistency and cannot come up with an answer. They have had a few days so they have elaborated a rationale to try to explain it. But it makes no sense.

Today they will be telling us that we cannot trust the State legislatures, the we must dictate to them and dictate to them, it seems to me foolishly, as I will get into.

Then on Monday they will tell us that we must give everything to the States and make no Federal proposals.

What holds these two together, and I think it is very clear, what motivates the Republicans here is clearly no consistent philosophy about deferring to the States, because they will dictate to the States today and denigrate their capacity for self-determination. And then on Monday they will defer to it. What they have in common is this.

Last year, over the opposition of most of the Republicans, the Democratic Congress and the Democratic President passed a good, tough crime bill that had sensible prevention funds, that had money for prisons, that had money for police.

Now, when the Democrats do something that is wrong, my Republican friends are a little unhappy. But when the Democrats do something that is manifestly right, they are very, very unhappy. They cannot tolerate the notion that we would have been as successful as we were. And, therefore, they have come forward with legislation which would interrupt a process that is well along of getting crime fighting funds out to the States.

They are doing it today, and they will do it on Monday. They will take absolutely inconsistent positions. They will be Federalists today and States' rights people on Monday. And the only common thread is that they want to undo what we did last year. Having lost last year, they are not prepared to abide by that, and they will disrupt the processes. Police officers who are being hired will now face an uncertain future if their bill passes and becomes law, because they do not like the notion that the Democrats might have gotten credit for putting out more police.

The States will be told, and here is the degree of proscription, it says to a State, you get money if you have increased the extent to which you were sentencing violent criminals. So if you are a State which had already been sentencing violent criminals to long sentences, you will lose money to a State that still sentences them to less than you do because they have gotten more less than you do. If you have been doing it for 10 years and they have been doing it for 6 and they get up to 8, 8 will be more than 10 by the peculiar arithmetic that the Republicans have been driven to by their desire to mess this thing up. Because what they will measure is not how long you sentence people but whether or not you increased it.

Similarly, they will be told that they have to serve 85 percent of their sentence. If in fact people are sentenced to 15 years and serve 10 of those 15 years, that is only two thirds, they do not qualify. But if they were in fact sentenced to 8 years and serve 7 of the 8, that will be more than 85 percent, and they will qualify. They use meaningless items. States that in fact have tougher sentencing will manifestly lose out under this bill to States that have less sentencing because the Republicans needed to come up with a way to undo what we had done.

□ 1350

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

As I understand it today, Mr. Speaker, just to underscore the gentleman's points, the point we have been making, the Speaker, at his morning press conference said that his Members would vote for this bill whether their States got money or not. I would suggest that is not a way for people to vote, particularly those of us who want to incarcerate more violent criminals.

Mr. FRANK of Massachusetts. I would not want to get between the Speaker and his troops, Mr. Chairman. If the gentleman so instructed them or advised them, that is his prerogative. We should be very clear, though, that this bill is premised on the notion that, left to their own decisionmaking process, the States of this Union will not adequately deal with violent criminals.

Therefore, the Federal Government must prescribe, but not only prescribe, prescribe foolishly; tell them that they must have 85 percent of the sentence served, no matter what that length of time is.

I hope the Schumer amendment is adopted and sense prevails over partisanship.

Mr. GALLEGLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to respectfully take this from the top. First of all, Mr. Chairman, this amendment is being presented to us as basically a mirror image of what is in the bill, with the exception that the proponents of the amendment offer a block grant approach, rather than the bill's provisions, which encourage greater sentences for those who commit serious violent crimes.

I have to go back again and say I am at least not certain that that is correct, Mr. Chairman. It may well be, but the language that is in the amendment adds a word when it talks about funding correctional facilities; it adds the word "alternative," that under the amendment the funds can go to alternative correctional facilities. The word "alternative" was used all throughout the last crime bill to mean alternatives to confinement.

The fact of the matter is, Mr. Chairman, that is the reason why, although the media announced over and over again how much money in the last crime bill would go to prisons, not a dime has to go to prisons. It could go into community situations for those who have committed serious crimes, and there may be, for other individuals, a place for community corrections, but a confinement bill should be a confinement bill. A prison bill basically should be a prison bill.

Second of all, Mr. Chairman, I want to say, again, that the contradiction, if we are offering it, is not the one argued by the gentleman from Massachusetts, [Mr. FRANK]. The contradiction, if offered, in theory is the fact that we would offer a prison grant. What right do we have to tell the States, "You should be interested in prisons"? But their amendment is a prison grant amendment, too, so that is not the difference. The difference is our encouraging and wanting to assist those States which have come to the realization that they want to do more to lock up violent criminals longer.

Mr. Chairman, I suggest that the amendment offered by the gentleman from New York [Mr. SCHUMER] is going to keep the same revolving door that has so disgusted the American people throughout this country.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman from New Mexico [Mr. SCHIFF] is trying too hard to reconcile the irreconcilable, but he is unsuccessful. He says it is inconsistent just to even talk about prison grants. What he is apparently arguing is that either you say that everything the Federal Government provides to States goes in one undifferentiated huge revenue-sharing pot, or else you have no difference between categorical programs and specificity in the categorical programs.

In other words, we have generally said there was general revenue-sharing, then there were categorical programs which say "for health," which say "for prisons," et cetera. The question then becomes do you overprescribe in the category.

It is one thing to say, "We will give you money for prisons and we will give you money for crime fighting." It is another to say, "We will give you money for prisons if, in fact, you do 85 percent and if, in fact, you do all these specific things." The gentleman is wrong when he says this is meant to encourage the States. This does not encourage, this says to the State, "You will meet the rather contorted definitions we have or you get nothing." That is much more than encouragement. That is coercion, and it is a perfectly valid point.

However, to say, as he has said, "Well, under the amendment of the gentleman from New York [Mr. SCHUMER], we will go back to the revolving door" is to say that the State legislatures and Governors of this country cannot be trusted, because what the amendment of the gentleman from New York does is to leave it up to the States.

When we say that is going back to the revolving doors, as the gentleman says about this amendment, as his amendment said, "You cannot trust the States, they will not do it right, we know better," that is a perfectly valid position, but take off your Thomas Jefferson costume when you are saying it and put on your Alexander Hamilton mask.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I just want to come down to the central issue. Once we have decided it is all right to offer States prison grants, and that by offering that, it is not a violation of federalism, as long as we seem to be both on board on that, the major issue in prisons, of all the issues, is what is the length of time served by those who have been committed to prisons.

Mr. Chairman, our bill offers to help those States which are trying to keep the serious violent criminals off of the streets longer.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would simply answer to my friend, the gentleman from New Mexico, if he surveyed the 50 States, probably every one of them wants to keep the criminal in jail longer.

The States, probably on this issue, probably more so than on the other issues that the gentleman is for a block grant on, agree.

The CHAIRMAN. The time of the gentleman from California [Mr. GALLEGLY] has expired.

(By unanimous consent, Mr. GALLEGLY was allowed to proceed for 2 additional minutes.)

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, every State wants to incarcerate more violent criminals. The question is simple on this; that is, do we give the States the money to do it.

Under the formula in the base bill, under the best of estimates, only three States, Delaware, North Carolina, and Arizona, would be eligible for the money.

Mr. Chairman, I have a Governor in my State who is very tough on crime, the newly elected Governor. He would not be getting a nickel of money to build the more prisons that he promised in his campaign under this formula. We know that for a fact.

I would say what he is going, Mr. Chairman, is, quite frankly, taking some people out of jail, but because the bar that the gentleman has set is so unrealistically high that the Governors of most States, after all, 30-some-odd of the Governors are Members of the gentleman's party, would not be able to use the money at all, so the issue, Mr. Chairman, is not who wants to incarcerate. Just about every State does. My State does, and I do.

The issue, Mr. Chairman, is will the formula in the bill or a block grant that automatically gives the money better serve the State in doing it?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, some States are, through their legislature, showing the priority of passing laws which will incarcerate their serious violent criminals longer. It is the purpose of this bill to assist those States.

There are two pots of money, and we believe that virtually every State, if not in fact every State, would qualify under the first.

□ 1400

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the States were doing everything right, we would not

have all this furor about truth-in-sentencing. The truth of the matter is, 10 years does not mean 10 years; 15 years does not mean 15 years. The public thinks it does, but they are learning that it does not.

We are trying to use a concept that is alien to some people in this Chamber. It is called incentives. It works in economics, and it works in crime fighting.

The gentleman from Massachusetts said somehow a pall of depression falls over us Republicans when the Democrat administration does something right. I would just tell the gentleman: NAFTA and GATT. When the administration does something right, and it does—it does—they get support from this side of the aisle. But the romance with categorical grants has been on their side.

I recall the last crime bill, the so-called omnibus crime bill, if you wanted to get a piece of that \$50 million, you had to have midnight basketball. You had to shoot free throws, because that was a Federal program and you had to participate. We were telling communities, "If you want some of this money, then here's a program where you can get it."

But what we are doing here is saying here is money to build prisons. If you want to build prisons, let we have truth-in-sentencing. That is a simple exchange. It is not asking too much.

I think this is what the public wants. They want tougher sentences, and we are going to help them impose the tougher sentences by giving them the resources to build prisons. That ought not to be too difficult.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

But I must say I was disappointed when the gentleman from Illinois said under the bill we passed last year, if you wanted part of the \$50 million pot, you had to do midnight basketball. That is not in the bill. It was permissive, just as it is in their bill that they are going to bring up on Monday. Midnight basketball was an option. To say that under the bill we passed you had to do midnight basketball is simply a misstatement.

Mr. HYDE. Reclaiming my time, is it not true that there was a \$50 million program for midnight basketball?

Mr. FRANK of Massachusetts. Not as I understand it.

Mr. HYDE. Was it \$49 million?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. SCHUMER. No; in the original bill there was such a proposal. Many people said that that is not a good idea and it was block-granted. So in the crime bill that is now law, there is no pot of money for midnight basketball. It is the same as the gentleman's bill, H.R. 729.

Mr. FRANK of Massachusetts. Permissive.

Mr. SCHUMER. It is one of the many options under a block grant.

Mr. HYDE. That is an improvement.

Mr. SCHUMER. It is now law.

Mr. HYDE. May I ask the gentleman, were there any categorical grants in that omnibus crime bill?

I wanted to ask the gentleman from New York [Mr. SCHUMER] because he is an expert on this: Were there any categorical grants?

Mr. SCHUMER. There were certain large programs that had categorical grants.

Mr. HYDE. Are those where we tell the States what they must do to get the money?

Mr. SCHUMER. Yes.

Mr. HYDE. I thank the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to congratulate the gentleman for the nimbleness with which he skipped away from his error, in which he said that you had to do midnight basketball when in fact you do not.

Mr. HYDE. I appreciate the congratulations. I usually disappoint the gentleman.

Mr. FRANK of Massachusetts. That is true. That is true. Therefore, it seemed to me, it behooved me to give credit where credit was due. But the point I would make is that, yes, we have had some categorical programs. We have never claimed or pretended that we were against some direction to the States. It is the gentleman on the other side who had made that point, and it is that point which they are directly, blatantly, and thoroughly contradicting today.

If I could make one last sentence, I will give the gentleman one more credit. He began by saying if the States were doing the right thing. Yes, that is exactly the point. This is a bill from people who do not agree with choices the States are making, and they are going to coerce them to make other ones. That is valid. But do not pretend to be the Articles of Confederation when you are in the process of doing that.

Mr. HYDE. Coerce? Reclaiming my time, coerce is not the same as incentive. And we are providing incentives for them to have—does the gentleman not agree that sentencing someone to 10 years and they get out in 3 is a fraud?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course. How could the gentleman answer if I do not yield?

Mr. FRANK of Massachusetts. Under the gentleman's bill, if you sentence them to 10 years and they serve 3, there are two ways you can qualify. You can make them serve 8 or 9, or you can cut the sentence to 4. The gentleman's bill does not require you to increase the

time served. It simply says it has got to be 85 percent of the sentencing.

So the gentleman's bill is flawed even in trying to do what he says he is trying to do.

Mr. HYDE. Reclaiming my time, the gentleman's conversion to block grants is indeed reassuring.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mr. HYDE. I yield to my friend the gentleman from New York.

Mr. SCHUMER. I thank the chairman, and I always do. He is always very courteous and generous in the yielding.

Let me just say that the gentleman's colleague, the gentleman from Florida, just before made the very point the gentleman from Massachusetts made.

He said, and we sort of let it go by, but he said, and check the record, "Well, the States could qualify for this. They can reduce the maximum sentence."

This bill does not require an increase in the maximum sentence. It simply requires that truth—

Mr. HYDE. Truth-in-sentencing.

Mr. SCHUMER. Exactly.

Mr. HYDE. Right. Honor. Integrity.

Mr. SCHUMER. I would say to the gentleman, a far more important argument than truth-in-sentencing, important as that is, is having people serve, violent criminals serve a long time in jail. Our proposal makes that happen much more than the gentleman's.

Mr. HYDE. Reclaiming my time, if someone is sentenced to a term of years, the public is entitled to know that term of years is pretty close to what he is going to serve. If it is too low a term of years, they will get new judges. But I welcome the gentleman's conversion to block grants.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, when I hear the chairman of the Committee on the Judiciary tell me that midnight basketball is some Democratic prerogative, I would be otherwise proud of it, but the fact of the matter is in the block grant program combining prevention and police programs coming up Monday, midnight basketball is as permissible in their program as it would be and is in ours, in the 1994 crime bill, and we are proud of that.

But to come on the floor and continually deride it, and this being one of the most economical investments that we can make in prevention programs, I mean, how much cheaper can you get than a hoop, a net and a basketball?

So it seems to me very, very important when we recognize that it is in both of our programs and it was started in the former President Bush's 1,000 points of light.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. I do not criticize midnight basketball at all. I think it is a great way to spend your hours from midnight till 3 a.m. I do wonder how you get up and go to school the next day, but I will leave that to deeper thinkers than I am.

Mr. CONYERS. I think that you are criticizing midnight basketball, if you think it keeps people from going to school.

The people in the cities that are using it happen to think that it keeps people from doing activity that might otherwise bring them in connection with the law.

So I think that the gentleman cannot have it both ways. He cannot continually deride midnight basketball, and then tell me in the next breath that he really likes it, but he thinks they ought to be getting ready for school.

My larger consideration here today is that if you wanted to relieve the number of people that are in prison so that you could keep the violent offenders, how about overcrowded State prisons that had releases that would not occur if we had boot camps, drug courts and prevention programs that were keeping minor offenders and young people from taking up all of this space?

We have the largest and most infamous lockup rates in the world in this country. In the inner cities of the United States, it is 3,000 people per 100,000 that are in prison. So there are no circumstances that I will ever advocate building more prisons to lock up more people. I would advocate, however, building more prisons to contain violent offenders and support the block grant program as opposed to a program that the States clearly will never qualify for.

It is in that spirit and that limited spirit only that I support a block grant program. It is not that I have just converted or changed my position incredibly for the purposes of this debate.

The fact of the matter is there is flexibility in block grant programs in this bill and the one we consider next that allows for boot camps, allows for drug courts, allows for prevention programs, and, yes, allows for night basketball.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would just make one other point to my colleagues, particularly on the other side of the aisle.

If this amendment is voted down and H.R. 3 is passed and becomes law, the gentleman will find out a year from now how many prison spaces his State will be able to build. My guess is a year from now, the vast majority of us will find that our State has not gotten a nickel from the bill and has not built a

single prison space, whereas under our proposal the States get anywhere from \$10 million to \$400 million to build prisons.

Mr. CONYERS. In addition, look what we have done just in today's debate alone. We have rejected the only amendment that would give us a carry-over that would allow a few years for the States to get ready for your draconian proposal because you have rejected allowing a bridge in which until 50 percent of the States could qualify, we could at least use the 1994 crime bill distribution of prison construction funds.

What you have done is you have blown up any possibility of us getting any money to the States, and now you are saying that the block grant program itself which you cited is now going to be ineffective.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(At the request of Mr. SCHIFF and by unanimous consent, Mr. CONYERS was allowed to proceed for 2 additional minutes.)

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentleman from Michigan for yielding.

I just want to ask of the gentleman from Michigan, I thought I heard the gentleman from Michigan say that he favored the block grant approach because it offered flexibility to the States in terms of whether to use funds for prisons or other kinds of programs.

Mr. CONYERS. It would allow boot camps, not prevention programs but at least boot camps for helping relieve those who would be coming in as non-violent offenders and youthful people.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

□ 1410

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding. In my State the Governor, again, a get-tough-on-crime Governor, because the prisons are filled with low level drug offenders and the violent criminals get out more quickly, wants to build boot camps. Under the proposal on the other side he would not be allowed to. But in our proposal he would, and that would in effect incarcerate the violent criminals much longer.

This is a conservative Republican Governor who called for this, and that is what the gentleman from Michigan is talking about.

Mr. SCHIFF. Mr. Chairman, will the gentleman from Michigan yield?

Mr. CONYERS. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I appreciate the gentleman yielding. I want to say I think we are getting at a part of this amendment now that I raised and

which has not been really developed by the other side until right now.

There is a difference here between a block grant approach and between our proposing to help those States that want to incarcerate violent criminals longer. We have debated that and I presume in a few minutes we are going to vote.

But the gentleman from Michigan's reference to alternative confinement that might be allowed under the bill, that is the language that was used in the crime bill to mean other than confinement such as community corrections. And I have suggested twice, and I am now suggesting a third time, that really may be the bigger difference in the amendment in this bill, that the amendment would allow block grants for nonconfinement alternatives.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the Federal Government gives money to the States in the form of block grants to build prisons, I think the Federal Government should have something to say about how this money is used and what kind of prison we are going to build, what length people should be incarcerated for. I think this is an important issue.

The lawyers here may argue the nuances of the legislation, but I would like to address this bill on people's terms for a minute.

Last summer a man in Oklahoma raped a 3-year-old girl. The people were so outraged they did not give him 100 years, they did not give him 200 years, or a 1,000 years, or 5,000 years; they gave him a 30,000-year sentence.

But the outrage of it all is this: That he is eligible for parole in 15 years.

I, as a Member of this body, when I vote to give money to the States, I want to have something to say about these paroles and about these issues. And that is why this amendment, in my opinion, is not appropriate.

I want the people who are building prisons in the States, I want those Governors, if they are giving harsh sentences, I want those people to get additional block grants. I want to give them incentives to be hard. I do not want a person who gets 30,000 years, because the people of that State are so outraged, to be walking the streets in another 10 or 12 years. That is what the people of America are saying, and that is why the amendment of my friend from New York is not a proper amendment.

If we have some liberal Governor or State legislature who says let us let him out in 5 years or 10 years, I do not want that State to get these block grants.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from New York.

Mr. SCHUMER. I very much sympathize with the case from Oklahoma, and I think someone who did something like that ought to serve his life

in jail. But under the gentleman's proposal, unless that gentleman served 25,000 years, 85 percent of the 30,000-year sentence, they would not qualify under H.R. 3. And that is just the reason we would like to give the State of Oklahoma, a nice get-tough State, money with no strings attached so we could build prisons and build them quickly.

Mr. ROTH. Mr. Chairman, reclaiming my time, that is not the way I read this amendment. What the gentleman's amendment would do would be to gut the tough provisions of this bill. We would be going right back to again having a social welfare bill and not a real crime bill, and that is why we cannot accept the gentleman's amendment.

I want this person, I want this criminal, for example, who raped this 3-year-old girl, I do not want him out in 15 years. And I, as a Member of this Congress, want to have something to say about that, and I think the people in the States who are tough on those criminals ought to get more of the grant money and not less. And that is why I am opposed to the gentleman's amendment and why I am for this bill.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and say we are making this issue unfortunately the way we do many issues, a lot tougher than it has to be.

I want us to build prisons right now; I do not want to see the prisoners in my State eligible to be released who are today being released. They are being released because we do not have enough room for them.

So, again, I think this amendment makes sense. We cannot have it both ways. We cannot say we are going to block grant this money which later we will say we are not going to block grant this money here today.

Our States are dealing with a lot of tough offenders. I was happy that the committee chose to accept the youthful offender issue in terms of a boot camp, the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE], which will allow States to build the youthful offender incarceration programs that we need, because I think we have to form a more effective partnership with the States and allow the States to build these facilities.

If we want to incarcerate these criminals and we want to do it now, vote for this amendment. This is a States rights amendment and it will allow the States to deal effectively today with those violent offenders that are out there that we want to put away.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am happy to yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for his courtesy. I just want to point out that it is true that

the majority accepted the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] of your side which allowed some funding for boot camps for certain individuals who were appropriate for it, because boot camps at least are still a type of confinement the way they are set up, the way I am familiar with them for a confinement facility, maybe a fence, not a wall. But we accepted that.

This amendment uses different language. This amendment offered by the gentleman from New York talks about boot camps, and I am quoting here: "Other alternative correctional facilities," and the key word here is "alternative." The key word here is that has come to mean in the crime bill we passed as nonconfinement alternatives.

So this amendment is more a philosophical difference about block grants. Ours is a confinement bill and the amendment is not.

Mr. CRAMER. Reclaiming my time, I would assert this amendment would allow the States the flexibility to build all kinds of facilities. I will support later amendments to this bill that will allow other kinds of juvenile incarceration facilities to be built, but I think the block grant approach is the way to go.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, it is just such an anomaly from the gentleman from New Mexico. We heard on the block grant proposal that the States know best from everyone on that side, except on this issue. There is no provision here for any prevention or social welfare. Everything that must be built must be a correctional facility, confinement, nothing else.

What I would say is that the vast majority of money will be used, indeed, for building maximum security facilities. But boot camps, the gentleman admitted that was all right, and other kinds of facilities that the States may have in mind, that we do know that would be all right as well, and the real issue here, the gentleman, in all due respect, is throwing up a smokescreen because he knows darn well there is going to be far more dollars to build prisons, hard core, barbed wire prisons under this bill than under the bill there, that he is hooking on a word that is no mandate, that is no anything.

I have faith in my Governor, I do not know if the gentleman does in his, to use the money for the toughest type facilities possible.

Mr. CRAMER. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I think we have had a very heated debate about something I have heard a lot about in the past, and it is very straightforward. What the gentleman from New York wants to do is gut and completely eliminate the

truth-in-sentencing provisions in this bill, the whole purpose for creating the bill from my standpoint, I think, and should have been the whole purpose last year of creating the entire bill.

The truth in sentencing is to provide incentives in Federal laws for grants to States to change their laws. That is what the purpose of the bill is. The purpose of the bill is in order to establish incentives for States to change their laws to make sure that we incarcerate, for long periods of time, violent offenders, very serious violent offenders, who right now are going through the revolving door and serving only a fraction of their sentences, and they are creating most of the violent crimes out there in the country today, a comparatively, relatively small number of people.

□ 1420

We want to get them off the streets. We want States to take the steps necessary to do this, and yet we know there is an emergency in the States right now that the States do not have the resources to be able to build enough prison beds on their own to do it, and we are providing the supplement to get this to happen.

It is absolutely utter folly for us to put money out there on the table that does not provide this conditionality. This is a carrot. This is not an unfunded mandate that we have in this bill. This is a carrot. This is saying, "Look, we would like to see this accomplished like we know you do." Those good States, those States that are willing to take the steps necessary to make the matching grants in here, the 25 percent versus 75 percent, those that are willing to get out and do it, then we are going to provide you the money, and we are going to be so liberal in this that we are even going to set aside half the money, \$5 billion, for States that all they have to do is just barely bump up the length of time somebody serves a sentence and assures that violent felons actually get increased time in their jail. They do not even have to go to the so-called 85-percent rule. They do not have to abolish parole to get half the money in this bill.

I have heard an awful lot from the gentleman from New York today and in debate. I am sure he is sincere about it, about how no State can qualify for the first set of grants. I believe that is nonsense. I strongly disagree with his interpretation of this. The statistics, the data we have, show that virtually every State can qualify for the first \$5 billion. It is no big deal to demonstrate, since 1993, you have increased the length of time somebody who is a violent felon is serving the actual sentence in your State. This is essentially all that that does.

That is what the pattern is, the average person.

And as far as the second pot of money is concerned, the extra \$5 billion, you destroy in this completely

the incentive grant program, because we want, the objective of this bill is that, to put the pot out there and say, "Look, change your laws and you get the money. You do not change your laws, the money is not there." It is as simple as that.

The gentleman's amendment guts that, and as I understand it, it also strikes out from the bill the Kennedy-Geren language. It is a substitute. I want the people to understand this, who are watching, Members who are paying attention and listening to the floor debate, this amendment is a complete striking substitute amendment for the underlying bill. It would put a block grant program in that has no strings attached to it whatsoever; no truth-in-sentencing would be provided by this proposal. We would give money out to States to spend that money as they want, States that have not been doing the law changes that we would like to see them do, and the gentleman will probably say, well, heck, that is inconsistent with the position of the gentleman from Florida, that he takes on the block grant program for prevention and cops, and to a certain extent, he is right. It is inconsistent. Because I see two different purposes. I see the purposes in the cops on the street and the prevention grants programs as being something where the Federal Government cannot begin to see what is the best interest to be done in each of these cities from Spokane to Key West or wherever.

There are so many different prevention programs. Some cities can use cops and some cannot, and so on. In the case of the prisons, we know exactly what is wrong. We know exactly what needs to be done, and so do the States. They need the resources to build prison beds to take the violent offenders off the streets, abolish parole, and lock them up for long periods of time. If they are not willing to change their laws to do this, they should not be getting the money. That is the whole purpose.

So there is a big difference.

I urge in the strongest of terms a "no" vote to this gutting amendment that the gentleman from New York offers.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that all Members of this body are really listening carefully to this debate.

And what really is at stake here is how much money, what additional resources, each and every of your respective States are going to receive under each of these proposals. States are starved for resources to fund prisons, both construction and for operating those prisons.

We have a number of States right now, as we sit debating this issue, that do not have enough money to operate the empty prison beds that they already have. Some States it is not a question of building the prisons. They

do not even have enough money to operate the prisons, so the real question is under which version of this bill do we get the State money for prison construction and operation. Under which provision, which proposal do we do that?

And I submit to you, and I rise in support of the amendment offered by the gentleman from New York which gets the fastest, the most money to all of the States to operate and build prisons.

Now, under last year's bill, my colleagues, every State was eligible for prison funding, for construction or operation, meeting those dire needs, every single State in the Nation under the general provisions. Under the proposal offered in the majority's bill, as it appears in our legislation before us, that is not true.

So which one of your States is not going to receive any money under this legislation? Which ones of your States are going to suffer, are going to have money that is under current law available to them, which ones of your States are going to have that money taken away by this legislation? You better look at that, each one of my colleagues, because your constituents are going to be looking at it. Your constituents are going to ask the question, "Did you vote for legislation that took money that was already available to us away?"

Second, I think you need to ask, after you get beyond that, under which of the two provisions before us today are your States going to get more money? And I submit to you it is under the block grant amendment offered by the gentleman from New York [Mr. SCHUMER]. Every State is going to receive dollars and more dollars than in this bill or even last year's bill for prison operation and construction, and that is the need. You can get esoteric about sentences and incentives, but the real question is for resource-starved States, under which proposal do they get the money, do they get it faster? It is under the amendment offered by the gentleman from New York [Mr. SCHUMER].

I would like to engage the gentleman from New Mexico [Mr. SCHIFF] in a colloquy if he would accommodate me, please, because I really am not sure, under the general grant provisions here, any State is going to be eligible for resources under the gentleman's legislation, and I just read to you, and what does this mean, it says:

That a State or organization shall submit an application to the Attorney General that provides assurances that such States, since 1993, have more violent offender sentencing time, increased the sentences, and increased the percentage of the sentences served.

Which States have, since 1993, met those qualifications and would receive any funding under this provision? Could you tell me?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I would just point out specifically the wording that if any State, in fact, has not made changes in their law, all a State has to do is to increase the average prison time actually to be served. In other words, any State that increases the time to be served for the violent criminals compared with 1993.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield to me, I will be glad to explain this to him.

Mr. MOLLOHAN. My question is, which State right now would qualify for money under general grant provisions?

Mr. MCCOLLUM. Let me explain that every 2 years the Department of Justice issues a study on exactly these points. That is why these are in here this way. It is why it was in last year's crime bill, by the way. This is not new language.

Mr. MOLLOHAN. What language applies to the general grants program?

Mr. MCCOLLUM. If the gentleman will yield further—

Mr. MOLLOHAN. Reclaiming my time a moment, every State was eligible under the general grants provisions for dollars.

Mr. MCCOLLUM. If the gentleman will yield, I would like to explain which States. You asked that question. All I wanted to say to you is that the trend, every time we have seen those statistics for the last umpteen years, shows a lot of States qualify. Each year States increase their time, most of them do.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 2 additional minutes.)

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield to me?

Mr. MOLLOHAN. I yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I appreciate the gentleman yielding.

I want to answer your question, because you asked the key question as it applies to my State, because you asked under the 1994 crime bill, what is at stake here, and you made the point correctly, so that all States were eligible to begin their prison construction programs or to apply for grants to operate those prisons that they are unable to operate now.

Let me tell you about Texas. In Texas we lose \$215 million. That is what we lose. The gentleman from Florida loses, according to the Department of Justice, the gentleman from Florida loses \$230 million. California loses \$475 million.

□ 1430

So the gentleman asked the key question. The truth of the matter is, under current law, this program is in place, people have the ability to begin prison construction, and there is a

truth-in-sentencing component to apply. But you asked the key question. I hope our colleagues are listening to this debate because they are losing this money in every State in America and in every congressional district if this bill passes.

Mr. MOLLOHAN. That is the key question. I would ask my colleagues consider carefully under which provision is their State most benefited.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if there is anything the American people are crying out for these days, it is for common sense. I think this amendment ought to be called the commonsense prison amendment of 1995. This is a truth-in-serving amendment, maybe more so than a truth-in-sentencing amendment. I am much more concerned about truth in serving time in jail than in some sort of notion of truth-in-sentencing.

Let me put in very simple terms this complicated debate.

Let us take Texas, for example. I served in the Texas Senate for 8 years. We have very tough sentencing requirements for crimes and felons in our State. Take an example: Texas gives a sentence for a serious felony of 100 years. That inmate, that felon serves 80 years. Another State, for the exact same crime, sentences someone to 20 years in prison, and they serve 17 years. So the inmate serves 80 years in prison in Texas, they only serve 17 years in the other State, but the other State gets the prison money and Texas does not.

Now, where is the common sense in that?

Would you not rather have somebody serve 80 years in prison if he raped a three-year-old child than to serve 17 years in another State and be rewarded for that?

The way the bill reads without this amendment, you could actually be rewarding States who have a rapist serve 17 years rather than 80 years. That is pretty simple to understand, and it just does not make common sense.

I would like to be very specific in my remaining time and ask the question of the gentleman from West Virginia as to what each State will lose. I would pose this to my Republican colleagues as well as my Democratic colleagues, that, in effect, if you vote "no" on this commonsense prison amendment, this is what you are voting to cut your own State out of in terms of new prison funding: Alabama will lose \$56 million; Alaska, \$12 million; Arizona might actually qualify for \$44 million, one of the 3 States that might qualify.

If you are from Arkansas and you vote against this amendment, you are taking \$28 million out of your prisons in Arkansas. If you are from California and you vote again this amendment, you are taking \$475 million out of your State prison system. In Colorado you are taking \$35 million out. Connecticut would lose \$32 million. Delaware is a

lucky State, they may gain \$14 million, even if this amendment does not pass.

Florida, as has been mentioned, will lose \$230 million. Georgia would lose \$77 million, Hawaii would lose \$12 million, Idaho would lose \$12 million, Illinois would lose \$175 million if our colleagues defeat this amendment.

Indiana would lose \$48 million, Iowa \$20 million, Kansas \$25 million, Kentucky \$30 million, Louisiana would lose \$64 million, Maine would lose \$10 million. If our friends from Maryland vote against this amendment, their State will lose \$73 million in prison construction money. Massachusetts would lose \$69 million, Michigan \$110 million, Minnesota \$27 million, Missouri \$63 million, Mississippi \$22 million. We would lie \$15 million from Nebraska. Nevada would lose \$20 million; New Hampshire would lose \$9 million if you vote against this amendment.

New Jersey, if our Republican friends from New Jersey vote against this commonsense prison amendment, their State would lose \$77 million. That is extra money that will have to come out of their State taxpayers' pockets to build the prisons that could be built with this amendment.

New Mexico would lose \$26 million, New York, New York would lose \$300 million. I would be amazed, I could not understand any Republican or Democratic Member from the State of New York would vote against this amendment and say to the taxpayers of New York, "We are going to take \$300 million out of your pockets that you are going to have to find if you want to be tough on these criminals."

North Carolina, one of those three lucky States, may get \$70 million regardless. North Dakota would lose \$8 million. Ohio, \$90 million, Oklahoma \$34 million, Oregon \$29 million, Pennsylvania \$83 million, Rhode Island \$14 million, South Carolina \$56 million, South Dakota \$9 million, Tennessee \$58 million.

I hope someone else will finish this list.

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS] has expired.

(On request of Mr. SCHUMER and by unanimous consent, Mr. EDWARDS was allowed to proceed for an additional 30 seconds.)

Mr. EDWARDS. I thank the gentleman.

Texas, \$215 million, Utah, \$15 million, Vermont \$9 million, Virginia \$41 million, Washington State \$45 million, West Virginia \$12 million, Wisconsin \$27 million, Wyoming would lose \$10 million.

Mr. Chairman, it defies common sense to say that these millions of dollars out of prison money in 47 States would somehow be tough on criminals.

Vote "yes" on the commonsense Schumer prison amendment.

Mr. BRYANT of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the course of my campaign last year, the people that I dealt with, the voters in Tennessee, wanted to make sure that people who committed violent crimes, and let me underline the words violent crimes, violent criminals spent their time in jail. I very strongly support this bill because what it does is gives a strong incentive to build those prisons to find ways to lock up the violent criminals, not in a revolving, endless cycle of putting one bad guy in and letting one bad guy out; but to lock them up for the full amount of their sentence, or 85 percent of their sentence. I think this bill accomplishes that, and it does it in such a way that these States can have the prison spaces available to keep the violent criminals locked up in jail.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Tennessee. I yield to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. I thank the gentleman from Tennessee for yielding to me.

Mr. Chairman, I think the gentleman made absolutely the correct statement about why we need to keep the bill as it is instead of having this gutting amendment. What the gentleman who just spoke in the well, the gentleman from Texas, and I know he was sincere about what he was doing, but what he was saying, though, in my judgment, misses a couple of points.

One of the points is that absolutely no money was appropriated for fiscal year 1996. So that is the fiscal year we are in now. Nobody is going to lose anything, any money, no matter what, from the standpoint of anything that has been appropriated, because it is not out there.

Second, nobody is going to lose any money anyway in the future if we change the law, the bill and so forth, like we have in the underlying law, because those States that he listed out there, I will guarantee you 99 percent of them, probably 100 percent of them, will qualify for the first pool of money under the \$5 billion simple grant program where you just have to show that since 1993 you have increased the percentage of violent offenders sentenced to prison. That is not hard to show. Almost every State has been doing that; reference to the Bureau of Justice statistics shows that fact. Most every year they are submitted every year and compiled and printed every 2 years. We have seen the records, you see a whole list of the history of that.

In addition to that, they have to show that they increased the average prison time actually to be served. That is if they have increased the time they are going to require somebody to serve on the average who are serious violent felons in those States, and that is not hard to see accomplished, because State after State is doing that. Again, the statistics show that, the pressures

of the public are very, very great to do that.

They have increased the percentage of sentences actually served in prison, the percentage served in this case.

The statistics also bear out that every time these reports come out, virtually every State in the Union has been on the march for a number of years doing that. This is a very simple matter of encouraging the States to be on the path they been doing for some time in increasing the time that people are actually incarcerated for really bad crimes. It is nothing more or less than that.

You do not have to increase it by one day. Nobody has to increase it by one day. Nobody has to increase it for a year or 6 years or anything else.

So it is a phony argument to say that the whole list of States he reeled off out here will lose money if the underlying bill passes. They will not lose any money. They will gain at least as much money, if not more, because we are adding more money to this prison bill, including more money to part A, by a couple of billion dollars than the present law has. So they are going to have a larger pool of money to get at then they had before.

In addition to that, of course, what we said before, the gentleman made such an eloquent point about, the gentleman from Tennessee, this also destroys, in addition to the underlying incentive grant program, which he and I think this bill ought to be here in the first place, to get the States to change their laws.

□ 1440

So, I thank the gentleman from Tennessee [Mr. BRYANT] for yielding to me and giving me a chance to respond to that list of States that the gentleman, I am sure in good sincere conscience, says is going to lose money, but they really are not.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

I rise to speak in favor of the Schumer amendment. Yesterday, I stoke in favor of another Schumer amendment because it dealt with revolving door habeas motions in the most effective way, instead of the arbitrary means of the legislation passed by the committee.

I support this amendment for the same reason. It is smart and effective.

The bill we consider today devotes \$5 billion in prison spending to a program that only three States can use. How is that effective?

I am the chairman of the Urban Caucus, and it is no secret that I favor a balance when it comes to fighting crime. We have to spend Federal dollars to prevent crime so we can steer violent offenders, especially the young ones, away from prison. But, make no mistake, we must put the most violent criminals in prison, for good, long sentences. And, we must give States and cities the resources to build and operate new prisons.

The question is not, "Should we." The question is "how."

Let us not squander \$5 billion of the people's money on a program that will not work.

The Schumer amendment makes sense. It sends exactly the message that the contract is supposed to be spreading: Let us give States and cities flexibility to deal with their problems. It creates one block grant with maximum flexibility. It also corrects a mistake I believe we made last year—it removes the match requirement which has caused many local governments to say no to Federal crime money because they just cannot afford it.

If we really want to move forward we would be continuing the progress we made last year. Let us build more prisons—but let us do it in the right way.

Let us keep the right balance between prevention and punishment.

One of the things the voters said to us last November was, "Listen to us." Let us listen to our constituents, our cops, and our mayors. Support the Schumer amendment.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the money we are—if we are going to put money into prisons, the Schumer amendment will put the money into prisons. The underlying bill; we do not know what is going to happen or who qualifies. Furthermore, Mr. Chairman, the 85 percent rule has been referred to as truth-in-sentencing. It is actually half truth in sentencing. It is true that people cannot be let out early, but under the whole truth in sentencing we have to acknowledge that we cannot hold people longer.

The gentleman that was described from Wisconsin that had all the numbers of years and would be eligible for parole, well, he could be denied parole and held for a long time.

In Virginia, we went to the 85 percent rule, and to do that we had to reduce the sentence by 50 percent. It cost \$7 billion, and, to put that number in perspective, Mr. Chairman, on a national basis we are about 2 or 2½ percent of the national population. That would translate to \$250 and \$300 billion to get to the 85 percent rule even after we have reduced the sentences 50 percent.

Mr. Chairman, with parole a person with the 10 year sentence, that puts the numbers in perspective. A person with a 10-year sentence would serve anywhere between 2 and 10 years.

Mr. Chairman, those with a 10-year sentence, to put some numbers in perspective under the present law in Virginia—under the previous law in Virginia, would serve between 2 and 10 years. Those that got out in 2 were not randomly released. They had gotten education and job training. They have a home to go back to. They have a job waiting for them. They would get out early. Those with no job, no job training, nowhere to go, those that would say they want to go out and commit more crimes, they would serve longer.

Mr. Chairman, under the so-called truth-in-sentencing or the half truth in sentencing, those with the longer sentences, those who have actually served the 10 years, would not be getting out in 5 years.

Why should we dictate to the States a situation where there will actually be serving—the worst will be serving less time, and those least at risk will be serving significantly more time?

Mr. Chairman, the half truth in sentencing eliminates the ability for States to use their prison space effectively by reserving it for those that are really truly dangerous, relieving the flexibility of letting those out early who are less risk.

We need the whole truth in sentencing, so those who are seriously at risk can serve the full sentence without the reduction of one half, as we have in Virginia.

Mr. Chairman, I would hope that we would adopt this amendment for the money that we are going to spend, for prisons, to go to prisons across the board, not so that States can reduce the amount of time that the most dangerous criminals are serving.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I sat on the floor here for the last half hour, I have listened to the gentleman from Florida say that we are going to get the Truth in Sentencing Act, and I hear the gentleman from my neighbor State of Wisconsin say we have to put a human face on this bill in what we are trying to do here today. Let us put it in people terms, as they have said:

"If you take a look at the example that the gentleman from Wisconsin brought up, that the individual from Oklahoma got 30,000 years, let's put that in human terms. Who is going to live 30,000 years, serve 85 percent of that time, as the bill requires, as the GOP bill requires? Eighty-five percent of 30,000 years is 25,000 years. It's not realistic. It's not going to happen. The bill, as written right now, says, 'When you get 85 percent of the actual prison time, 85 percent of the actual prison time, you qualify for money underneath this bill.'"

The Schumer amendment, in which I am proud to support, says on page 8—go to page 8. The bill is right there. Each State shall receive 25 percent, 0.25 percent, for the most violent criminals, and we define what the most violent criminals are.

Go to page 10. The most violent criminals are murderers, nonnegligent manslaughter, forcible rape, robbery, aggravated assault. Those are the people we have to get off the street.

So the Schumer amendment allows every State to receive money not just to build prisons, but to operate and maintain prisons.

My State of Michigan, this past year we had four prisons that were built,

ready to go, but we had no money to operate, no correction officers, no one to prepare the food, no one to provide the services in those prisons. They sat empty, and the latest Department of Justice report shows Michigan, Georgia, Connecticut, with the most heinous criminals. We need space; there is nothing there. We have places to hold them, but we cannot operate them. So the Schumer amendment not only allows us to build them, the Schumer amendment allows them to operate, it allows them to maintain their prison population.

There are no prevention programs in here. This is not a social welfare. This is exactly what they say they want to do. They want to get tough on criminals, they want to lock them up, and we have to have the means to provide for correction officers and for the maintenance of those prisons. That is what the Schumer amendment does.

Mr. Chairman, I say to my colleagues, "When you take a look at it, the State of Georgia alone on the Department of Justice facilities, they have over 3,200 criminals that they cannot lock up, over 3,200. This bill would help alleviate that by building the prisons and by also allowing the operation and maintenance."

□ 1450

This is no social welfare program. We take the money, make it available right now. Underneath the Republican plan, only when your prison population actually serves 85 percent will you then get the money. Is that going to be 3 years from now, 8 years from now? We do not know. The Schumer amendment makes the money available right now to build prisons for the operation and maintenance of the prisons. I urge my colleagues to support the Schumer amendment.

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, some of my colleagues on the other side of the aisle are having some difficulty determining how truth in sentencing would apply to a 30,000-year term. It reminds me of the judge who sentenced a defendant to serve 100 years. The defendant said, "But, Judge, I will never live that long." The judge said, "Well, you just do the best you can." It is quite clear that a 30,000-year sentence would result in a life term for a prisoner.

What this is about is gutting truth in sentencing. What this is about is prisoners who are sentenced ostensibly to 20 years who serve 3 years. The public does not want this, their Representatives in Congress do not want this. That is why I believe this amendment will fail.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from New York.

Mr. SCHUMER. I would just make two points. Certainly we want to see as long a sentence as possible. But what the bill does, it does not simply say

20,000 years is too long. It does not. It says your proposal on your side that you are supporting, would say if the person did not serve 25,300 and some odd years, the State would fall below the 85-percent goal.

The second point I would make is this, and this one I think is very important. On both sides of the aisle we want to incarcerate people longer. That is the purpose of my amendment, that is the purpose of this amendment. The argument is not over who wants to do it. And I think for the other side to say oh, we do; you do not, is really an unfair form of argument. We do, too. That is why I derived it, and my record shows it since I have been here. But which amendment will do it better, I would submit ours does it better than yours.

Mr. ZIMMER. Mr. Chairman, reclaiming my time, if a prisoner dies before he fulfills his sentence, it does not disqualify that sentence under truth-in-sentencing.

Mr. KLECZKA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I review the legislation before us, I at first blush thought it was an unfunded mandate bill on the States. But as I have listened to the debate and as I have studied the bill, I find that it is not only an unfunded mandate bill, but it is also a blackmail bill.

We have been told for years that the attitude that Congress knows best and one size fits all, and we should tell the locals what to do because we are smarter, has to end. With some of the legislation we already passed this session, we indicated it is a new day, those things are going to end.

But now that same attitude has reared its ugly head in this legislation. What we are calling for here is longer sentences, the 85 percent goal. And my friends, it is not only on Federal crimes, which we have a right and responsibility to legislate and dictate, but it is on State violations of their criminal law.

We are telling the State legislatures and the Governors, who are up here all the time hugging the Republicans, that when it comes to welfare block grants and Medicare block grants, you can have all the latitude you want, including millions and billions of dollars. But when it comes to your legislature handing out prison sentences to your inmates in violation of your State crimes, which the Republican Congress know best, I think that is phony. I think that is hypocrisy, and I will tell you where the mandate comes in.

Now we are going to, with the carrot and the blackmail, give the States the bricks and mortar. We know full well, and I know full well in Wisconsin, we need the construction dollars. We are overcrowded. But we are going to have to change our State law to further exacerbate the crowding problem, and then the unfunded mandates come, my friend, when the Feds leave town after

they dump the bricks and mortar and the State and the taxpayers and the State legislatures have to cough up the State-raised funds to house the inmates, to provide security for three shifts a day, just like a hospital, to provide all the other maintenance efforts. And at that point, my friends, are you going to help the States continue that expenditure, or help pay for it?

So, Mr. Chairman, this is not only an unfunded mandate bill, but it is also a blackmail bill. Blackmail today and tomorrow. Once the States have incurred the costs, we are going into another area of trying to help the States out. That is their problem. Sorry, States.

I urge the Members to support the Schumer amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot help, in listening to the debate, but be reminded of a great line from a great movie which happens to take place in a prison. The name of the movie is "Cool Hand Luke." He is incarcerated in prison, and the warden is punishing Cool Hand by making him dig holes. And he is out there digging a hole. He gets done digging this hole, and the warden comes out and says, "Luke, you got a hole in the yard. Fill it up." The warden goes back inside. Luke has to fill the hole back up. The warden goes back outside and says, "Luke, where did that hole go? I want you to dig another one." This goes back and forth. Finally, the warden goes out and says, "Luke, what we have here is a failure to communicate."

That is what we are doing right here with the language in this bill. It is a failure to communicate on the part of the Federal Government and our States. Under this bill, the Federal Government is saying to the States, "You either dig this hole or you dig this hole, the way we want you to do it. And if you don't do it our way, then either this pot of money for \$5 billion or this pot of money for \$5 billion, you are not going to get anything."

What have we been doing for the past month? I just voted to prohibit unfunded mandates. I have been working with many of my colleagues on the Republican side to try to provide more flexibility for our States, to do what they see is the right thing, to both prevent crime, to incarcerate people, and then to keep them there for a long time.

But the Federal Government should not be going about telling each and every State, my State of Indiana, you either do it precisely the way we mandate it in Washington, DC, or you are not going to qualify for anything.

Now, current law probably has it best. I am not particularly enamored 100 percent with the way the gentleman from New York [Mr. SCHUMER] wants to do this, in a flexible block

grant. I would like to see some standard set, but not the standard set and mandated under this bill.

I think we can do it better. Forty Republicans voted in the last session of Congress for us to do it by funding police on the streets, where many of these Republicans just qualified to get police on the streets under the Cops Fast Program. I think we can do it by helping our States build prisons, such as Indiana, where we are over capacity. We do not want to be cut over \$48 million with this unfunded mandate from the Federal Government under this bill. Give us some more flexibility. Do not do what the warden did to Luke in the movie "Cool Hand Luke," you either dig it here or dig it there. Let us communicate with our States more effectively and with more flexibility.

□ 1500

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, we sat for a number of days of hearings and markups concerning the proposed changes of this crime bill in the Committee on the Judiciary. I listened, hopefully, again, in the spirit of bipartisanship, to my Republican colleagues promote their arguments on the many reasons why money allocated for crime prevention programs should be placed in block grants to the States with no delineation. Their reasoning, States know better how to spend this money to meet their specific needs. But now I am in a fog of inconsistency.

We are all seeing a mirage. We are not understanding the direction in which the majority party is going. The existing program that is being planned now provides for disbursement of the funds to eligible States for prison construction primarily in proportion to part 1 violent crimes. In contrast, the proposed new program, meaning the one that is now on the table, provides for the disbursement of such funds primarily in proportion to the general population.

This approach of disbursing funds for violent offenders incarceration, under the prison funding bill in proportion to general population without regard to the incidence of violent crimes in the affected areas will produce gross misallocations of resources in relation to actual needs. We will not be targeting the problem. That is to incarcerate violent offenders. This rewriting of the prison program has aggravated the case. As we spoke earlier today, it is fixing what is not broken.

These, Mr. Chairman, are inconsistencies in the majority's arguments. And while they push to provide fewer to no prevention dollars, which those of us who have come most recently from our local communities can attest do work, they put restrictions on prison building dollars. Just a while ago I was on the telephone talking about the

urban scouting program, a program that has put in my community more than 12,000 boys in the urban scouting program, a prevention program of the Boy Scouts of America, using parks and recreation staff, using police staff, a real prevention program.

Now such dollars will go to block grants and not be used in prevention dollars. Also we now are going to throw all that into prisons, but yet we are going to tell the States how to use such dollars.

They are moving to increase prison dollars while dictating spending guidelines for their use.

The reasoning is not fluent. It is not clear. It is cloudy. It is fixing what is not broken.

Why should dollars be sent in block grants for prevention, to help the urban scouting program, the Boy Scouts program, the boys and girls program, the children-at-risk program, and, yes, midnight basketball, among others and then have requirements for prison dollars? What is this? We first say States know best and now we are saying, no, they do not.

Perhaps my colleagues on the other side of the aisle will be willing to agree that if States do know best and, therefore, seek their input and blanket authority to spend Federal tax dollars which could potentially put programs at risk during tough fiscal years, then they would agree that if block grants are good enough for prevention dollars, they should be good enough for prisons, too.

I support the Schumer amendment because I believe we should not play favorites among crime dollars. Block grants for one, block grants for all.

Mr. Chairman, I would simply say that States will be losing the opportunity to incarcerate violent criminals. Texas will lose \$215 million. Let us go to block grants in a fair and bipartisan way to truly incarcerate violent offenders and truly emphasize that we are trying to work to prevent crime together.

PARLIAMENTARY INQUIRY

Mr. SCHUMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. Mr. Chairman, who gets the right to conclude?

The CHAIRMAN. We are operating under the five-minute rule.

Mr. SCHUMER. I would ask, if there are any speakers on the other side, for them to go because the gentleman from Texas [Mr. BRYANT] is our concluding speaker and we have had about 10 in a row.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we had some figures that were thrown out before that allegedly indicated that a number of States would lose money, would lose prison money under this particular bill.

Those figures are not accurate. Most of the States would actually gain a sig-

nificant amount of money under this bill, and, therefore, we oppose the Schumer amendment.

I think we also have to look at what is happening right now. Right now violent criminals are only serving one-third of their sentence, one-third. Murderers, what is happening with murderers in this country? Are most of them getting the death penalty? No. Are most of them getting life? Maybe they get the sentence but how much of the time do they actually serve? On average a little over 8 years, for murder in this country.

So what this bill will do will help the States and encourage the States to incarcerate prisoners for a longer period of time because when these criminals are behind bars, they are not out on our streets terrorizing our citizens and committing more and more crimes.

For that reason, I would strongly encourage that we vote down the Schumer amendment, that we pass this particular bill.

Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding to me.

I think we are to wrap up the debate that has been going on on this amendment. I would just like to reiterate before the closing argument, I would just like to conclude the thoughts over here and let the proponents have the last word on this, even though the rules do not say who has the last word.

I am quite sure that we will hear again in the closing comments that somehow States are going to lose under the underlying bill and that we are going to have to have this bill preserved through the current law in order for States to get the money for prison programs.

That, in my judgment, is just not so. As I have said before, and I will not go into a long discussion of it again, under the truth-in-sentencing concept that is out here today in the bill that underlies this, we have two pots of money, \$5 billion is very easy for States to qualify to get the money for, \$5 billion plus set aside for those States that are willing to change their laws. Most of them have not yet but that is why it is there. We want them to change their laws, to make sure that violent felons, serious violent felons serve at least 85 percent of their sentences.

In other words, abolish parole and get these violent felons off the streets, lock them up once and for all and throw away the key.

The whole purpose of this legislation is to accomplish that. That is the singular purpose of why we would have a grant program in the first place, is to get that to happen, not just to give money to states.

But I would submit regardless of that being the purpose, that anybody who says that this language that is in the

first part of this bill that deals with the first \$5 billion is tough to qualify for does not understand the simplicity with which it is written, has not researched the statistics at the Department of Justice that clearly demonstrate that year after year as these statistics for the three provisions that come in as statistics to be recorded downtown, they have shown historically a trend up in ever increasing severity of sentences and time served in all three of these things so that it is unquestionable that 99 percent if not all States will qualify for the first \$5 billion pool. The arguments are spurious to the contrary.

I would urge my colleagues to defeat the Schumer amendment when the vote comes in a few minutes, because it is truly a killer amendment. It destroys completely the underlying truth-in-sentencing provisions of this bill. It just guts the bill altogether.

Mr. BRYANT of Texas. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I thank the gentleman for yielding to me. I have a point I think is very important to make. Under last year's crime bill, as it applied to prisons, we authorized \$10.5 billion, and I ask the chairman of the committee to make sure I am right about this. We authorized \$10.5 billion, but that was not funded in the 1994 act. We only actually funded \$7.9 billion from the standpoint of the 1994 act. But under the gentleman's bill, under H.R. 667, as I understand it, there is a \$5 billion, in effect, pot A, a \$5 billion pot B. States cannot under any circumstances apply for both. They apply for a grant either under pot A or pot B.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, they can apply for both. They can qualify either way.

Mr. CHAPMAN. That is not what the gentleman's bill says.

Mr. MCCOLLUM. The plain language does not say they cannot.

Mr. CHAPMAN. Mr. Chairman, if the gentleman will continue to yield, I would just make the point that as I read the gentleman's bill, and I just read it about a minute ago, it says they can apply for a grant under one or the other. If that is the case, the gentleman's bill actually has less money, substantially less money for prisons than the 1994 crime bill.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, I think the decision that we are about to make on the Schumer amendment really is a very fundamental decision that goes even beyond the details of this bill. That is, whether we are going to continue campaigning and continue sounding campaign themes or, in the second month of this Congress, we are going to

begin to govern. And my appeal, and I think the appeal of our side with regard to this amendment is, to our friends on the other side, let us join together and begin governing this country. It is time to end the campaign. It ended last November.

The fact is that they have brought a bill to the floor that is filled with flaws, as would any bill be that is essentially a campaign slogan.

The fact is that they have brought a bill to the floor that has the crazy, almost totally unexplainable, anomalous result of only three States being able to fully participate in a \$10.5 billion bill. That is the facts.

The gentleman from New York [Mr. SCHUMER] brought an amendment to the floor that fixes that in a way that is good for all of our States, it lets every State participate. That is what is at stake here.

If we go without the Schumer amendment, Mr. Chairman, and we go with your version, it is going to require that States prove somehow that they are making their inmates comply with 85 percent of their sentences. That means that every State is going to have to enact a multitude of new laws.

As Members know, at the State level that takes at least 18 months. Many of these States only meet every 2 years in their legislature. They then have to build prisons using their own money, so they can keep everybody in prison that they are now having to let out because they are overcrowded, so they can meet the 85-percent rule.

Third, they have to then keep them in for an undetermined number of years to prove they had met the 85-percent requirement, and the bill does not say how in the world you calculate whether they have met it or not.

The fact of the matter is that the guy with the 30,000-year sentence would have to stay there for 25,000 or 28,000 years to meet it. It is a preposterous result. It is an accidental result. It is the result of a campaign slogan, as opposed to a bill that has been brought out here to govern this country.

Mr. Chairman, the fact of the matter is that the Schumer proposal gives block grants to the States to build prisons based on the number of violent crimes in the States. It lets all of our States participate. It increases prison capacity. In short, it governs this country.

Mr. Chairman, to conclude this debate today, I would simply say that it is time for us to quit campaigning, quit talking about campaign slogans, and start governing this country.

Vote for the Schumer amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 251, not voting 4, as follows:

[Roll No. 111]

YEAS—179

Abercrombie	Gordon	Olver
Ackerman	Green	Ortiz
Andrews	Gutierrez	Orton
Baessler	Hall (OH)	Owens
Baldacci	Hamilton	Pallone
Barcia	Hastings (FL)	Pastor
Barrett (WI)	Hayes	Payne (NJ)
Becerra	Hilliard	Pelosi
Beilenson	Hinchey	Peterson (FL)
Bentsen	Holden	Pomeroy
Berman	Hoyer	Poshard
Bevill	Inglis	Rahall
Bishop	Jackson-Lee	Rangel
Bonior	Jacobs	Reed
Borski	Johnson, E.B.	Reynolds
Brewster	Johnston	Richardson
Browder	Kanjorski	Rivers
Brown (CA)	Kaptur	Roemer
Brown (FL)	Kennedy (MA)	Roybal-Allard
Brown (OH)	Kennedy (RI)	Rush
Bryant (TX)	Kennelly	Sabo
Chapman	Kildee	Sanders
Clay	Klecicka	Sawyer
Clyburn	Klink	Schroeder
Coleman	LaFalce	Schumer
Collins (IL)	Lantos	Scott
Conyers	Laughlin	Sensenbrenner
Costello	Levin	Serrano
Coyne	Lewis (GA)	Skaggs
Cramer	Lincoln	Slaughter
de la Garza	Lipinski	Spratt
Deal	Lofgren	Stark
DeFazio	Lowe	Stokes
DeLauro	Maloney	Studds
Dellums	Manton	Stupak
Dicks	Markey	Tanner
Dingell	Martinez	Taylor (MS)
Dixon	Mascara	Tejeda
Doggett	Matsui	Thompson
Dooley	McCarthy	Thornton
Doyle	McDermott	Thurman
Durbin	McHale	Torres
Edwards	McKinney	Torricelli
Ehlers	McNulty	Towns
Engel	Meehan	Tucker
Eshoo	Meek	Velázquez
Evans	Menendez	Vento
Farr	Mfume	Visclosky
Fattah	Miller (CA)	Volkmer
Fazio	Mineta	Ward
Filner	Mink	Waters
Flake	Moakley	Waxman
Foglietta	Mollohan	Williams
Ford (TN)	Montgomery	Wilson
Frank (MA)	Moran	Wise
Furse	Murtha	Woolsey
Gejdenson	Nadler	Wyden
Gephardt	Neal	Wynn
Gibbons	Oberstar	Yates
Gonzalez	Obey	

NAYS—251

Allard	Calvert	Dickey
Archer	Camp	Doolittle
Armey	Canady	Dornan
Bachus	Cardin	Dreier
Baker (CA)	Castle	Duncan
Baker (LA)	Chabot	Dunn
Ballenger	Chambliss	Ehrlich
Barr	Chenoweth	Emerson
Barrett (NE)	Christensen	English
Bartlett	Chrysler	Ensign
Barton	Clayton	Everett
Bass	Clement	Ewing
Bateman	Clinger	Fawell
Bereuter	Coble	Fields (LA)
Bilbray	Coburn	Fields (TX)
Bilirakis	Collins (GA)	Flanagan
Bliley	Combest	Foley
Blute	Condit	Forbes
Boehlert	Cooley	Fowler
Boehner	Cox	Fox
Bonilla	Crane	Franks (CT)
Bono	Crapo	Franks (NJ)
Brownback	Cremins	Frelinghuysen
Bryant (TN)	Cubin	Frisa
Bunn	Cunningham	Funderburk
Bunning	Danner	Gallegly
Burr	Davis	Ganske
Burton	DeLay	Gekas
Buyer	Deutscher	Geren
Callahan	Diaz-Balart	Gilchrest

Gillmor	Linder	Roukema
Gilman	Livingston	Royce
Gingrich	LoBiondo	Salmon
Goodlatte	Longley	Sanford
Goodling	Lucas	Saxton
Goss	Luther	Scarborough
Graham	Manzullo	Schaefer
Greenwood	Martini	Schiff
Gunderson	McCollum	Seastrand
Gutknecht	McCrery	Shadegg
Hall (TX)	McDade	Shaw
Hancock	McHugh	Shays
Hansen	McInnis	Shuster
Harman	McIntosh	Sisisky
Hastert	McKeon	Skeen
Hastings (WA)	Metcalf	Skelton
Hayworth	Meyers	Smith (MI)
Hefley	Mica	Smith (NJ)
Hefner	Miller (FL)	Smith (TX)
Heineman	Minge	Smith (WA)
Herger	Molinari	Solomon
Hilleary	Moorhead	Spence
Hobson	Morella	Stearns
Hoekstra	Myers	Stenholm
Hoke	Myrick	Stockman
Horn	Nethercutt	Stump
Hostettler	Neumann	Talent
Houghton	Ney	Tate
Hunter	Norwood	Tauzin
Hutchinson	Nussle	Taylor (NC)
Hyde	Oxley	Thomas
Istook	Packard	Thornberry
Jefferson	Parker	Tiahrt
Johnson (CT)	Paxon	Torkildsen
Johnson (SD)	Payne (VA)	Trafigant
Johnson, Sam	Peterson (MN)	Upton
Jones	Petri	Vucanovich
Kasich	Pickett	Waldholtz
Kelly	Pombo	Walker
Kim	Porter	Walsh
King	Portman	Wamp
Kingston	Pryce	Watt (NC)
Klug	Quillen	Watts (OK)
Knollenberg	Quinn	Weldon (FL)
Kolbe	Radanovich	Weldon (PA)
LaHood	Ramstad	Weller
Largent	Regula	White
Latham	Riggs	Whitfield
LaTourette	Roberts	Wicker
Lazio	Rogers	Wolf
Leach	Rohrabacher	Young (AK)
Lewis (CA)	Ros-Lehtinen	Young (FL)
Lewis (KY)	Rose	Zeliff
Lightfoot	Roth	Zimmer

NOT VOTING—4

Boucher	Frost
Collins (MI)	Souder

□ 1530

The Clerk announced the following pair:

On this vote:

Miss Collins of Michigan for, with Mr. Souder against.

Messrs. WHITFIELD, MANZULLO, and DUNCAN changed their vote from "aye" to "no."

Messrs. HAYES, SPRATT, and WILSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1530

AMENDMENT OFFERED BY MR. WELLER

Mr. WELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELLER: On page 6, after line 20, insert the following new subsection (c):

"(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this title, if a State which otherwise meets the requirements of this section certifies to the Attorney General that exigent circumstances exist which require that the State expend funds to confine juvenile offenders, the State may use funds received under this title to build, expand, and operate

juvenile correctional facilities or pretrial detention facilities for such offenders.

Mr. WELLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WELLER. Mr. Chairman, I am here to offer an amendment by Mr. HASTERT and myself today, that would permit States to use funds from this bill to build, expand, or operate juvenile correctional facilities or pretrial detention centers. If a State can certify to the Attorney General that they are experiencing exigent circumstances, that is that they are in severe need of space, then the State may use funds received under this bill for juvenile facilities.

First of all, I would like to say that I am very pleased with H.R. 667. My amendment only seeks to improve on it. It is a positive step forward from last year's social spending bill. I believe that if we are going to spend billions of dollars on stopping crime, we should spend the money wisely on prisons and police officers. By increasing police presence and adding prison space, we will send a message to criminals that violence and crime will not be tolerated.

Our country is facing a crisis. We do not have enough prison space, and as a result, we continue to release criminals early. By doing so we are facilitating the revolving door policy that moves criminals in and out of the justice system. Too often criminals go free because there is not place to put them.

The same problem applies to our juvenile offenders. My amendment seeks to correct this problem. This amendment would allow States to utilize funding from this legislation for the construction of juvenile correctional facilities or juvenile detention centers.

The increase in recent years of crime committed by juveniles is astounding. Juveniles have committed several thousand murders a year. These youth are at risk of becoming products of the system; repeat violent offenders who are in and out of prison.

In my State of Illinois, as I've learned in the case in many States, we face a severe shortage of beds in the juvenile detention system. If you disregard Cook County, there are only 351 beds for the entire State. Because there are no beds to put these juvenile offenders, they are transported all over the State—wherever a bed becomes available. If the next night, the county needs the bed for one of their own, the youth will either be transferred somewhere else in the State or released. Police officers are playing chauffeur, driving these kids back and forth across the State, when they could be using their time much more effectively patrolling the streets. Another problem we face is the mixing of severely violent youths in pretrial detention, with nonviolent youths. It is in the best in-

terest of kids if we separate kids with a bad attitude from violent murderers and rapists.

I have a letter from the sheriff of Will County, Brendan Ward, expressing great concern with prisoner overcrowding and lack of appropriate juvenile detention space. A Department of Justice study shows that more than 75 percent of the confined juvenile population were housed in facilities that violated one or more standards for detention living space. So as you can see, this is not just a local problem. There has been a significant increase in juvenile crime across the Nation. According to the same U.S. Department of Justice study, the number of delinquency cases handled by juvenile courts increased 26 percent between 1988 and 1992. During these 5 years, cases of robbery and aggravated assault grew 52 percent and 80 percent respectively. In the State of Illinois, over approximately the same time span, the number of juveniles arrested for violent offenses increased 16 percent. The rate of juvenile crime is constantly increasing. We need to take this into account when we consider the Violent Criminal Incarceration Act, and make funding available for juvenile facilities.

This situation is also very discouraging because we are forced to release these juveniles when there is no facility in which to put them. Kids are not dumb. They realize that there is nothing that we can do to them; they know that they can continue to get away with their actions. With the amount of crime committed by youth gangs today, it is imperative that they know that they will have to pay the price for their actions, or there is no reason for them to stop. The amount of crimes committed by juveniles is staggering. The FBI reports that in 1992, juveniles were involved in 15 percent of all murder arrests, 16 percent of all forcible rapes, 26 percent of robberies, and 23 percent of weapon and drug law violations. The recidivism rate among these types of offenders is very high. If we can show them that they will be locked up, maybe they will realize that there are consequences to their actions, and think before they commit their next crime. However, without the proper facilities, we cannot keep these kids in custody. We need to make sure that some of the \$10.5 billion dollars in this bill are used for juvenile detention centers.

I urge your full support for this very important amendment.

Mr. Chairman, I also want to thank the chairman of the committee, the gentleman from Illinois [Mr. HYDE] my colleague from the great State of the Land of Lincoln, and I ask the Members for their full support for this very important amendment.

AMENDMENT OFFERED BY MR. DOGGETT TO THE AMENDMENT OFFERED BY MR. WELLER

Mr. DOGGETT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DOGGETT to the amendment offered by Mr. WELLER: On line 2, insert "or unit of local government located in a State" after "State".

On line 3, strike "this section" and insert "section 502 or 503".

Mr. DOGGETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1540

Mr. DOGGETT. Mr. Chairman, I commend the gentleman from Illinois on his amendment, and I offer this further strengthening amendment, just as he attempts to strengthen the original legislation to strengthen, in our effort, what we are trying to do about the serious problem of juvenile offenders, because the same problem that plagues Illinois plagues in the State of Texas my hometown of Austin, TX.

Mr. Chairman, I would much rather prevent a crime with an effective local crime prevention program than to confine a child. I would much rather deter a crime with 100,000 police on our streets added under the crime bill rather than to confine a child.

But in truth and fact, whether it is in Illinois or Texas or any other part of this country, there are some young people who do need to be confined and that is what this amendment and this amendment to the amendment is really all about. There are young people out today who are terrorizing our neighborhoods, and the only thing, after all else has failed, that we can do with them is to confine them and to prevent them from causing further destruction of the neighborhood.

The legislation that is now before us, as originally presented by the committee, dealt with the problem of adult corrections and adult offenders. It did not address this problem of juvenile offenders.

The gentleman from Illinois was thinking very much along the same lines as I was thinking in a similar amendment that I have offered. In lieu of that amendment, I am offering this amendment to the amendment. The amendment on which I had worked also seeking to deal with the problem of juvenile offenders is one that was drafted with the participation and the cosponsorship of the distinguished gentleman from Michigan, [Mr. STUPAK], a former police officer and State trooper, and the distinguished gentleman from Alabama [Mr. CRAMER], a former prosecutor. All are front line officials in the fight on crime, and whether it is Alabama or Michigan or Illinois, we agree that there is a serious problem with juvenile offenders.

What this amendment to the amendment seeks to do, and I understand that it is acceptable to the sponsor, having worked with him and the distinguished chairman of the Committee on

the Judiciary in this regard, is to provide access for local governments to this same group of funds.

Let me tell you why that is so important to those in the State of Texas. We have seen the effect of violence right there in the capital city of the State of Texas. In our community in 1988, there were 307 juveniles that had been certified to the juvenile court four or more times in just a single year. Now, that is a tremendous amount. But by last year, that amount had increased 538 percent, so that we have almost 2,000 juveniles being certified to the juvenile court four or more times. That means too often that the first time they got down there they only got a slap on the wrist, and the same thing happened the second and the third and maybe even the fourth time. They are back out setting an example, a very bad example, for other young people in the community, because we simply have not had the capacity for pretrial detention there at the Gardner-Betts Center in our community.

Indeed, last week, we had such a serious problem there was no longer enough capacity in the local facility, the Gardner-Betts facility, and 15 of these people were turned out back on the street again.

This problem is exacerbated by the fact that in the State of Texas our county, a growing county, has only 50 beds allocated in the State correctional facility for the entire year. Unfortunately, we have got more than 50 young people that are involved in violent offenses, that are involved in serious property offenses, and rapes and murders and aggravated assaults, and without the amendment offered by the gentleman from Illinois, as we have modified it now to include local governmental units, we would not be addressing that problem at all in this piece of legislation.

I will tell the gentleman from Illinois, also, that I have visited, in drafting my own amendment along the same lines, with the officials at the Texas Youth Council who handle statewide, as you have in Illinois, all of our juvenile offenders, and they were quite concerned that this legislation, as originally proposed, did not deal with this problem of juvenile offenders.

I think by working together as we have with this amendment and the amendment to the amendment in a bipartisan fashion we have tried to address this problem of the fact that, frankly, there really are some young thugs out there that somehow we missed on prevention and somehow we missed on education. I wish we could have taken care of that problem. Now it is time to see that they no longer continue to do damage within their neighborhoods and threaten the millions of Americans who are hard-working, who are honest, and who are trying to make a go of it without this example of dangerous young offenders.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I am happy to yield to the gentleman from Illinois.

Mr. WELLER. My colleague from Texas, I would like to just confirm that the language of the amendment that you are offering to our amendment is language that we discussed and that was agreed to?

The CHAIRMAN. The time of the gentleman from Texas [Mr. DOGGETT] has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 2 additional minutes.)

Mr. WELLER. I would ask the gentleman from Texas if he would confirm the amendment to our amendment which he is offering is the language that we discussed and agreed to in consultation with the chairman of our committee.

Mr. DOGGETT. It is. I appreciate your agreement. I appreciate your initiative on this. Because the effect, as I understand your amendment now as amended, is by the States or the localities within a State that is certified meeting the other requirements could apply directly to the Attorney General of the United States and indicate that there are exigent circumstances, and heaven knows there are exigent circumstances right now in Illinois, in Austin, TX, and across this country with a large volume of juvenile offenders not being adequately housed.

Mr. WELLER. If the gentleman will yield further, I support and accept your amendment to our amendment. One of the reasons is I think of an example in the State of Illinois, in Will County, which is the largest county in my district, a county without a juvenile detention center. Of course, they are anxious to construct, because they are overcrowded, and they need a place to put bad kids and get them off the street and keep them off the street until they have the opportunity to go to trial, for a juvenile detention facility.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Illinois.

Mr. HYDE. I just want to congratulate the gentleman from Texas [Mr. DOGGETT], the gentleman from Illinois [Mr. WELLER], and the gentleman from Illinois [Mr. HASTERT] for this initiative. I think it improves the bill. It is very useful, and it certainly is acceptable to our side.

Mr. DOGGETT. I thank the chairman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Michigan.

Mr. CONYERS. On this side of the aisle, we are delighted that the gentleman from Texas and the gentleman from Illinois have crafted together a smart and tough amendment that allows us to deal with boot camps and other facilities for youthful offenders. It is a very important part of the bill,

and it will not just help Texas and Illinois, believe me. We need this all over, and I congratulate you all, including the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Weller-Hastert amendment, as amended by the Doggett-Cramer-Stupak amendment.

Mr. Chairman, it is refreshing to see that ideas from both parties can be melded together here on the House floor to make a stronger amendment to achieve the purposes of what we all want to achieve, and that is to provide prisons for youthful offenders.

When I was a police officer, all too often most of the people I would arrest for crime, whether it be breaking and entering to murder, was usually young people.

What would we do in today's society is take these young people and put them in prisons with many members of our society who are there for heinous crimes, and they are 20 and 30 years their senior, and they are treated the same in a judicial system which is insensitive to the needs of young people.

Juveniles go into these prisons, young people; a few years later I would see them out on the street. They may be a little bit older chronologically, but they were much, much wiser in the ways of the crime.

If we are ever going to help young people overcome their responsibilities to society, if we are going to help them be rehabilitated, we should try to isolate them in youthful offender prisons and not imprison them with hardened criminals.

So I am pleased to stand today to say that both sides of the aisle have been able to work together. I thank the gentleman from Illinois [Mr. WELLER] and the gentleman from Illinois [Mr. HASTERT] and the gentleman from Illinois [Mr. HYDE] for their cooperation and guidance in putting together these two amendments, and my congratulations to the gentleman from Texas [Mr. DOGGETT] in his first amendment on this House floor, and hope there will be many more, and the same to the gentleman from Illinois [Mr. WELLER].

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just very briefly, I want to congratulate the gentleman from Illinois [Mr. HYDE] in helping us come together, but the genesis amendment came a year ago after the crime bill was passed, very serious problems, especially in counties where there was simply not enough room to take care of juvenile offenders in a pretrial situation, and they are jockeying these young offenders across county lines, back and forth. We needed to find a way to solve the problem.

So again, with the gentleman from Illinois [Mr. WELLER] and myself and the gentleman from Texas across the aisle, this does solve the problem. It takes care of those juvenile offenders

that by law that you cannot intermingle with hardened criminals and those adult criminals waiting for trial.

□ 1550

This is a good piece of legislation. Again, there is bipartisan cooperation, and I thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Illinois [Mr. WELLER] for putting this together.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to quickly congratulate the authors of these amendments, the amendment itself, and amendment to the amendment.

As I said earlier, I thought we would be making a mistake if we left the juvenile issue out of the incarceration issue. I think it is very important. One of the plagues on our local communities is the violent juvenile offenders. While we are talking about violent offenders, we should in fact be talking about violent juvenile offenders as well.

So I want to thank the Members for working in a bipartisan way together. I think this is a terrific improvement in this legislation, and I think it will help the local and State communities realize they have a more effective partnership with the Federal Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT] to the amendment offered by the gentleman from Illinois [Mr. WELLER].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Illinois [Mr. WELLER].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer amendment No. 17.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CANADY of Florida: Page 1, after line 22, insert the following:

Such grants may also be used to build, expand, and operate secure youth correctional facilities."

Page 6, after line 2, insert the following (and redesignate any subsequent subsections accordingly):

"(b) JUVENILE JUSTICE INCENTIVE.—Beginning in fiscal year 1998, 15 percent of the funds that would otherwise be available to a State under section 502 or 503 shall be withheld from any State which does not have an eligible system of consequential sanctions for juvenile offenders.

Page 10, line 7, delete "and" at the end of the line.

Page 10, at the end of line 10, strike the period and insert ";", and add the following:

"(4) the term 'an eligible system of consequential sanctions for juvenile offenders' means that the State or States organized as a regional compact, as the case may be—

"(A)(i) have established or are in the process of establishing a system of sanctions for the State's juvenile justice system in which the State bases dispositions for juveniles on a scale of increasingly severe sanctions for the commission of a repeat delinquent act, particularly if the subsequent delinquent act committed by such juvenile is of similar or greater seriousness or if a court dispositional order for a delinquent act is violated; and

"(ii) such dispositions should, to the extent practicable, require the juvenile delinquent to compensate victims for losses and compensate the juvenile justice authorities for supervision costs;

"(B) impose a sanction on each juvenile adjudicated delinquent;

"(C) require that a State court concur in allowing a juvenile to be sent to a diversionary program in lieu of juvenile court proceedings;

"(D) have established and maintained an effective system that requires the prosecution of at least those juveniles who are 14 years of age and older as adults, rather than in juvenile proceedings, for conduct constituting—

"(i) murder or attempted murder;

"(ii) robbery while armed with a deadly weapon,

"(iii) battery while armed with a deadly weapon,

"(iv) forcible rape;

"(v) any other crime the State determines appropriate; and

"(vi) the fourth or subsequent occasion on which such juveniles engage in an activity for which adults could be imprisoned for a term exceeding 1 year; unless, on a case-by-case basis, the transfer of such juveniles for disposition in the juvenile justice system is determined under State law to be in the interest of justice;

"(E) require that whenever a juvenile is adjudicated in a juvenile proceeding to have engaged in the conduct constituting an offense described in subparagraph (D) that—

"(i) a record is kept relating to that adjudication which is—

"(I) equivalent to the record that would be kept of an adult conviction for that offense;

"(II) retained for a period of time that is equal to the period of time records are kept for adult convictions; and

"(III) made available to law enforcement officials to the same extent that a record of an adult conviction would be made available;

"(ii) the juvenile is fingerprinted and photographed, and the fingerprints and photograph are sent to the Federal Bureau of Investigation; and

"(iii) the court in which the adjudication takes place transmits to the Federal Bureau of Investigation the information concerning the adjudication, including the name and birth date of the juvenile, date of adjudication, and disposition.

"(F) where practicable and appropriate, require parents to participate in meeting the dispositional requirements imposed on the juvenile by the court;

"(G) have consulted with any units of local government responsible for secure youth correctional facilities in setting priorities for construction, development, expansion and modification, operation or improvement of juvenile facilities, and to the extent practicable, ensure that the needs of entities currently administering juvenile facilities are addressed; and

"(H) have in place or are putting in place systems to provide objective evaluations of State and local juvenile justice systems to determine such systems' effectiveness in protecting the community, reducing recidivism, and ensuring compliance with dispositions."

Mr. CANADY of Florida. Mr. Chairman, this amendment, which was crafted with my good friend, the gentleman from Oregon [Mr. WYDEN] deals with the same issue that we have been discussing, juvenile justice.

I want to commend the sponsors of the previous amendment for their work on this issue. I also want to thank the gentleman from Texas [Mr. PETE GEREN] who has, in the last year, worked with me on legislation on the same subject, a major portion of which is incorporated in this amendment.

This amendment is submitted to encourage the States to implement a serious system of consequential sanctions for juvenile offenders.

Mr. Chairman, we have heard very much in the last few minutes about the serious problem of juvenile crime.

The statistics, indeed, tell a chilling tale. The juvenile violent crime index rose 68 percent between 1988 and 1992, and since then it has been going up. In the past decade, the number of juveniles arrested for murder increased by 93 percent. In 1992 juveniles were responsible for nearly 13 percent of all crimes cleared by police, including 9 percent of all murders, 41 percent of all forcible rapes, 16 percent of all robberies, and 12 percent of all aggravated assaults.

Clearly, the States need resources to fight juvenile crime. I believe we need a major initiative to reform our juvenile justice system in this country. The juvenile justice system is failing in a monumental way. This amendment allows the States to address this problem and provides them with incentives to address this problem. Under the amendment, beginning in fiscal year 1998, 15 percent of the funds which would otherwise be available under the grant program will be withheld if a State does not have in place by that time a system of consequential sanctions for juvenile offenders. A system of consequential sanctions for juvenile offenders would include: a system of increasingly severe sanctions for juveniles who commit repeat offenses; an effective system for prosecution of juveniles as adults for juveniles 14 years of age or older who have committed serious violent crimes; a requirement that parents participate in meeting the sentences imposed on juveniles, and a requirement that juveniles who commit serious violent felonies have their fingerprint and other identification records sent to the FBI to insure that we can track them on the Federal level.

Mr. Chairman, this amendment represents a commonsense, bipartisan approach to the spiraling problem of juvenile crime. I want to thank the gentleman from Oregon [Mr. WYDEN] and the gentleman from Texas [Mr. PETE GEREN] for their vital contributions to this effort.

I also want to thank the gentleman from Illinois, [Mr. HYDE] and the gentleman from Florida [Mr. MCCOLLUM] for their assistance in this matter.

For too long we have only paid lip service to the problem of juvenile crime. It is time we do something serious about it. This amendment is a practical first step, and I urge my colleagues to vote in favor of this amendment.

Mr. WYDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and colleagues, what the gentleman from Florida [Mr. CANADY] and I have been working on together to do is essentially promote a new philosophy with respect to juvenile justice in our country.

What we are seeing in community after community is that violent juveniles commit one offense after another and face absolutely no consequences whatsoever.

for example, at home in Oregon it was recently reported that a violent juvenile committed 50 crimes, 32 of which were felonies, before the juvenile system took any action to protect the community. The problem has essentially been that the juvenile justice system has been built on the medical model, the notion that even though you are dealing with a repeat violent offender, somehow the offender could be rehabilitated.

I think a number of our leading criminologists—and I would refer specifically to the work of James Q. Wilson of Los Angeles—have indicated that the challenge with respect to juvenile justice is to replace this medical model, which is now in place, with a system of accountability.

And so what we seek to do in this amendment is to, through this Federal legislation, promote the philosophy wherein violent young offenders who commit crimes will face real consequences each time they commit an offense and those consequences will increase each time they commit an additional offense.

Now, I would like to, in closing, particularly commend the Attorney General of my State, Ted Kulongoski. He has been an advocate within the Association of Attorneys General for an approach that would involve graduated sanctions for each offense.

I would also like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] for their help.

This amendment complements the earlier one, but our colleagues should make no mistake about it, what we would like to do through this amendment is promote a new philosophy of accountability, a philosophy that insures there are consequences every time a young person commits a criminal act.

I particularly want to thank my friend, the gentleman from Florida [Mr. CANADY] who has been so patient in working through this effort.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before we rush to judgment on this, I think we ought to at least let our colleagues and the American people know what we are doing here. In the spirit, whether it is bipartisanship or whatever, the American people deserve the right to know that we are saying, out of one side of our mouth, that we should be staying out of the States' business and we have now set upon a series of amendments that inject the Federal Government further and further and further into the business that has typically been the reserve of the State.

I will say to my colleagues that the Federal Government has no juvenile law. We do not deal with juveniles in the Federal system. We do not have laws in Federal system that deal with juvenile delinquency. Most States have a whole system that they have put in place over years and years and years to deal with juvenile delinquents.

And while we gloss over what we are doing here, embedded in the body of this amendment is a provision that requires, or at least says, "If you are going to have any of the benefits of these funds, you have got to have established and maintained an effective system that requires the prosecution of at least those juveniles who are 14 years old or older as adults under certain circumstances."

□ 1600

Well, I would presume, if that is a good idea, the States in their infinite wisdom would have thought about it, and some of them have, but I do not know that we, as a Federal Government, ought to start moving into an area that we have never been involved in before in this way.

I mean I am resigned, I think, that this will pass, as just about everything else that comes forward that I think is outrageous seems to be passing, but the American people need to understand that our colleagues here are trying to have it both ways. They are saying, "Look, we believe in States rights," out of one side of their mouth, and they are saying out of the other side of their mouth, "Let me tell you what Big Brother Federal Government would like for you to do, not only in areas that we have been involved in historically, but in areas that we have never ever had any Federal policy discussions about, involvement in or even any connection to."

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, I would point out that the Federal Government has been involved in juvenile justice policy for a long time. We have been providing grants to the States with respect to the juvenile justice systems—

Mr. WATT of North Carolina. Reclaiming my time, let me just make sure; do we have any juvenile facilities at the Federal level?

Mr. CANADY of Florida. No, that is not the point, that is not the point.

The Federal Government has been involved in the area of juvenile justice policy and in trying to encourage the States to do certain things in their juvenile justice system.

Now another thing that I think is important to understand about this amendment:

This compliance with these provisions is not a requirement for participation and receiving grant funds. All we are doing in this is—

Mr. WATT of North Carolina. I take the gentleman to mean, reclaiming my time briefly, that this is not a Federal mandate.

I say to the gentleman, anytime it's good for all of you to call something a mandate, you call it a mandate, and it's not convenient this time to call this a mandate; OK, I understand that.

I yield to the gentleman.

Mr. CANADY of Florida. As the gentleman from Illinois [Mr. HYDE] discussed earlier, this is an incentive. It is a modest, quite frankly a very modest, incentive for States to set up systems in which they are going to be serious about dealing with violent juvenile offenders and creating—

Mr. WATT of North Carolina. Reclaiming my time, let me just suggest to the gentleman that, if he truly believes in States rights, there is no requirement that we suggest to the States how they deal with juveniles and get ourselves involved in these issues.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield back to the gentleman.

Mr. CANADY of Florida. I appreciate that.

I think there is an important Federal interest. We have seen cases in which a juvenile who committed murder in one State and was slapped on the wrist has been let out on the streets and has moved to another State. Now let me tell the gentleman that implicates a Federal interest, and I think, when we see circumstances like that, it is appropriate for the Congress to address it and provide a modest incentive, as we are doing in this bill.

Mr. WATT of North Carolina. Reclaiming my time, let me just be clear with the gentleman from Florida [Mr. CANADY] and say, there is not a law that you can come in here with that you can't point out some kind of abuse, some kind of anecdote, that would get the Federal Government involved. Last time, last session, it was carjacking because they were taking the cars across Federal—we never have been involved in that in our lives at the Federal level. There is always some kind of ex-

ception that will get the public outraged.

But this is a public policy debate. Should the Federal Government be involved in trying to tell the States, when we are at the same time saying to the States we are getting further and further out of the States' way and yielding back to the States—

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words because a number of concerns have arisen here as the debate goes on.

As my colleagues know, in most States, in most cities, juveniles are being waived over to be tried as adults. I do not see any place where that is not happening. So the violent crimes now are not being slapped on the wrist. They are being sent to the criminal circuit to be tried as adults, and I do not know if my colleagues have taken that into account.

The second thing that is important to me is that, if there were a Federal involvement, what would it be to do?

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, the view of the gentleman from Florida and myself is that the juvenile justice system does not work. We see these young people committing offense after offense after offense, and there are absolutely no consequences.

What we are seeking to do with a very small portion of Federal funds is try over the next few years to get States to adopt a new philosophy with respect to juvenile justice so that, when a young person commits their initial offense, the punishment will be specific, but it will not be the most severe—

Mr. CONYERS. Reclaiming my time—

Mr. WYDEN. Offense. They will face additional punishment

Mr. CONYERS. Reclaiming my time, this puts us into the business of creating Federal law for juveniles in every city across America—

Mr. WYDEN. Will the gentleman yield further?

Mr. CONYERS. And the other thing that bothers me:

The gentleman raised the name of Professor Wilson, who is a great scholar of criminal justice but whose ideas and mine occasionally comport, and just as often they probably do not.

So, as my colleagues know, what they are asking us to do is adopt a new philosophy, and I am sure when they say the juvenile system does not work, they mean some parts of it do not work, and there are in many instances for many youngsters that do not keep repeating crimes where the juvenile system has been very successful. But in some instances it has not been, but it is not a total failure, like other systems.

So what I am suggesting here respectfully is:

Shouldn't this matter be considered in the committee? It's an incredibly important event, but now the gentleman from Oregon is asking me to accept a new philosophy on the floor. He's mentioned a professor's name, and that's supposed to do it. I don't know what that philosophy is. It's not clear to me exactly where we are going here.

Mr. WYDEN. Mr. Chairman, would the gentleman yield further?

Mr. CONYERS. Briefly, yes.

Mr. WYDEN. All we are saying is over the next 3 years let us give an incentive to States. It is not a matter of changing the Federal criminal code. No criminal law at the Federal level will be changed, but because there are such serious problems with lack of accountability at the State level, let us encourage States in a modest way to try this out in—

Mr. CONYERS. Mr. Chairman, I have to reclaim my time because what we are doing again is that we at the Federal level are now telling local government how to treat juveniles. Juveniles are under the State and local criminal law, and so, if we do not create Federal law, we are telling the States and other localities how they have got to operate under this new theory that we have trotted out this afternoon with respect to juveniles.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I just want to make the point that at least they could try to be consistent about this. I mean my colleagues say the juvenile laws are not working, therefore the Federal Government is going to get further involved in the process. The welfare laws are not working, therefore we are going to give all responsibility to the State.

□ 1610

You cannot have it both ways. That is what we kept saying to you in the last debate, on the amendment of the gentleman from New York [Mr. SCHUMER]. You say out of one side of your mouth, we want a block grant, and get out of the way. Then you say out of the other side of your mouth, we want to control what you are doing at the State level. You cannot have it both ways. Be consistent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CANADY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment which is at the desk and which has the words, "New A," marked on it.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: Page 9, line 7, strike "508" and insert "509".

Page 9, after line 6, insert the following new section:

"SEC. 508. PAYMENTS TO STATES FOR INCARCERATION OF CRIMINAL ALIENS."

"(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this title, for each of the fiscal year 1996, 1997, 1998, 1999, and 2000 from amounts appropriated under section 507, the Attorney General shall first reserve an amount which when added to amounts appropriated an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for such fiscal year equals \$650,000,000.

"(h) PAYMENTS TO ELIGIBLE STATES.—

"(i) Notwithstanding any other provision of this title, for each of the fiscal years 1996, 1997, 1998, 1999, and 2000 from amounts reserved under subsection (a), the Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act and which meets the eligibility requirements of section 503(b), in such amount as is determined under section 242(j) and for which payment is not made to such State for such fiscal year under such section.

"(2) For any fiscal year, payments made to States under paragraph (i) may not exceed the amount reserved for such fiscal year under subsection (a).

"(c) USE OF UNOBLIGATED FUNDS.—For any fiscal year, amounts reserved under subsection (a) which are not obligated by the end of that fiscal year under subsection (b) shall not be available for payments under this section for any subsequent fiscal year, but shall be available, in equal amounts, to the Attorney General only for grants under sections 502 and 503.

"(d) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section."

Page 2, line 6, insert "(a) IN GENERAL.—" before "Title".

Page 10, after line 10, insert the following:
(b) PREFERENCE IN PAYMENTS UNDER SECTION 242 (J) OF IMMIGRATION AND NATIONALITY ACT.—Section 242(j)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(j)(4)) is amended by adding at the end the following:

"(C) In carrying out paragraph (i)(A), the Attorney General shall give preference in making payments to States and political subdivisions of States which are ineligible for payments under section 508 of the Violent Crime Control and Law Enforcement Act of 1994."

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, this amendment is an amendment that has been a work product we have been doing for quite some time with the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. GALLEGLY], and other people from around the country interested in the question of whether or not we as a nation can and should and in what manner reimburse the States for the cost of incarcerating criminal aliens. There are enormous expenses out there, varying, depending upon who is making the projections as to how much it costs States, particularly Florida, California, Texas, and also New York and Illi-

nois. Every State in the union has criminal aliens occupying their bedspace and doing things we would prefer they were not there doing, costing money to those States.

You will see us with a bill out here on the floor tomorrow, I believe, that will attempt to address speeding up the process, expediting the process of deporting these criminal aliens, and getting this moving, so we do not have them clogging it up with the expense and clock running. But the States and Governors of many States have asked us to try to find a way to fund the cost of this. In many ways the burden that is there because of illegal immigration, criminal alien problems, are really and truly Federal responsibilities.

They have asked us to find a way to solve cost of the problem to the States of this mandate out there. If there is anything involved in any of the crime bills we bring up that deals with an unfunded mandate in the more traditional sense that we spoke of the other day when we passed the unfunded mandate legislation, this is it.

A lot of this is grandfathered in so time has passed and it is not appropriate to redebate this issue. But today we have an opportunity to rectify this problem through a method that can be paid for fully and a method that I believe everybody in this Congress would like to do.

No. 1, what this amendment will do is it will protect an existing provision of law that was passed last Congress that provides beginning next year approximately \$330 million a year in authorization to reimburse the States for the cost of incarcerating criminal aliens. It will cordon that off and give a preference for that money to those States that do not qualify for some additional moneys we are going to give under the prison bill today, so there will be no question that anybody who would have been eligible or is eligible today for those funds put in last year, any State, will continue to be eligible for that \$330 million.

But the Congressional Budget Office estimates that on an annual basis for the next 5 years, 6 years, or whatever, until we get this under control, the cost to the States nationwide will be about \$650 million per year. So there is a difference, a shortfall, even if all the money under the trust fund moneys we envision for the crime legislation. And that was part of what was passed last year, was to cover the \$330 per year for the purpose of reimbursing States for the incarceration of these criminal aliens. Even if we can cordon off enough money in addition to that \$330 million to meet the \$650 million, we figure we will fully reimburse the States having this problem for the costs of incarcerating these criminal aliens.

What my amendment does is say we will protect and give preference to everybody who is eligible right now who would not be eligible under this new provision. But then for those States who meet the test of the 85-percent

rule under this bill, who qualify as to who are able to meet truth-in-sentencing requirements as they come on line, and many of our larger States will, California, Florida, Texas, et cetera, over the next couple of years, for those States there will be made available preferentially under this grant program, prison grant program, from dollar one, preferentially will be made available sufficient money in order to be able to make up that difference.

So there will be another roughly \$320 million a year that will be made available that the Attorney General will have to offer out of the first priority under the prison grant moneys, whether that is prison grant moneys in A or B pot, whatever, the \$10.5 billion in this bill.

I think this is a way to fully compensate the States. It is a positive reinforcement method to what is being offered in the bill. It does not disrupt the qualification of any State under the existing law and the roughly \$330 million that is there.

I want to compliment the gentleman from California for having created the effort that was put forward in our committee, which did not stand the germaneness test because it was an entitlement. We have come out today with an authorization program which he worked hard on, and I want to thank him for his participation in that effort to accomplish what we are doing today.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(At the request of Mr. BERMAN and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. MCCOLLUM. Mr. Chairman, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. I thank him for his kind words, and more importantly, I thank him for offering this amendment because, let us make it clear, what this amendment does is it recognizes the priority of funding. Before we start appropriating funds for new prison construction, we deal with reimbursing the States and localities for the costs they are now expending incarcerating undocumented criminal aliens who are convicted of felonies, who would not be in those States were it not for the Federal failure to enforce the immigration policy.

So the gentleman's amendment, while I would have preferred the amendment I drafted and had preprinted in the RECORD, because that was not tied in any part to the Truth in Sentencing Act, the fact is the gentleman, by giving preferential treatment to the States that do not comply with the Truth in Sentencing Act for the money appropriated under last year's crime bill, and then reserving no less than a total of \$650 for this cause, has accepted the preminent priority of funding this unfunded consequence, if

we want to call it that, that now exists in an unfair fashion. So I compliment the gentleman.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(At the request of Mr. BERMAN and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. MCCOLLUM. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. BERMAN. I want to ask a couple of questions to make sure we have full understanding.

In the underlying bill for Federal assistance for prison construction, you have three requirements. You have a non-supplanting requirement, a limit on administrative costs, and a requirement for matching funds.

Mr. MCCOLLUM. Yes, that is correct.

Mr. BERMAN. My question is, to just make clear, my understanding is this amendment, if adopted, will not require or put any of those three limitations on. In other words, by definition this is supplanting money. The States are now spending money to operate their prisons.

Mr. MCCOLLUM. If the gentleman will allow, I will reclaim my time. The gentleman is 100 percent correct, because the language that begins this provision says "not withstanding any other provision of this title," and it is obvious on the face of what we are doing today this is intended to be supplanting money. It is supplanting what the States are paying out today, which they should not be paying out, because this is a Federal responsibility.

Mr. BERMAN. If the gentleman will yield further, the same with respect to the 3 percent limit on administrative costs. That was for a new prison construction program. This provision is a reimbursement provision. By definition, 100 percent of these costs are for operating costs of existing State and local prisons and jails.

Mr. MCCOLLUM. Reclaiming my time, the gentleman is correct.

Mr. BERMAN. And there is no matching requirement for the States or local under this program.

Mr. MCCOLLUM. Reclaiming my time, the gentleman is 100 percent correct about that.

Mr. BERMAN. And we have had a problem this year with the appropriated monies, the \$130 million. I do have to point out that President Clinton was the first President ever to propose funding for this, and Congress appropriated \$130 million, first time ever, last year.

□ 1620

But we have had a problem in that even though we think the language of the existing crime bill is clear, no local governments have been eligible for that. It is our intention, under the underlying crime provisions that exist in existing law, that local governments be eligible for that portion of the money,

even though they are not eligible for the Truth-in-Sentencing Act money that is provided for in the gentleman's amendment; is that correct?

Mr. MCCOLLUM. The gentleman is correct. I think the gentleman has made excellent points about this particular proposal today. It is very, very unique and well-crafted. The gentleman and I have worked very hard on it. Governor Wilson of California has worked on it with us. We have had a number of inputs from other State leaders. And the gentleman from California [Mr. GALLEGLY].

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, if I could just make two points. First of all, I think my colleague from California, who authorized the original program in last year's crime bill, the gentleman from California [Mr. BEILENSON], through his amendment that program stays intact. It is very important for us to watch the appropriations process, particularly for certain States that do not qualify for the Truth-In-Sentencing Act.

I am told by the Governor of California, even though the Justice Department does not confirm that, but I am told without qualification by the Governor of California that California qualifies under the Truth-In-Sentencing Act and, therefore, will be eligible for this new prison money that is being reserved for this program. It is on that basis and on those assurances that I am supporting the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, those States like Texas and New York, which do not now comply with the Truth-In-Sentencing Act, will still be better off on this amendment because they will have a preference under the Beilenson language, any money appropriated under that provision. So while they are not going to be as well off as they would have been under the amendment I had intended to offer, they will be better off than they are under existing law.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, they are going to be actually better off because they are going to have a separate pool of money to draw from that the gentleman's State of California will not be able to dig into for better than half of the money available here and all of the money that is available under current law. So consequently in many ways those States will be better off because they are not affected in any way by this than they are presently. In other words, there is more money out here and the gentleman's State and any other qualifying State will have absolutely no divvies on the existing funds

after this is passed, that which is out there.

They will have your own pool of money to go to if they qualify.

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, he is right, assuming that these States file enough claims to take up that appropriated money. If not, then the States who do qualify can dip into that money. And so I guess we have covered the ground.

I thank the gentleman for showing the flexibility to take care of this and, more importantly, to start this in fiscal year 1996. The States who are facing these costs are in a crisis in their budgets. They need the money this coming fiscal year.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would like to say in conclusion that this is a very good, fair proposal for every State involved that has any criminal alien whatsoever in a jail. They are going to get compensation this way and the dollars work out well. The formula works out well. And I would be glad to answer other Members' questions as the afternoon and the debate, if there is any more, progresses so we can clarify that for anybody. But we worked very hard to do this. I want to thank the gentleman for asking those questions so we could clarify as much as possible.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(On request of Mr. DE LA GARZA, and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. Mr. Chairman, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, mention was made of State and local. I want to know the extent of the local? Did this cover our county jails, our city?

Mr. MCCOLLUM. If there would be the opportunity to gain that through the States to cover those, yes. There is no restriction on that whatsoever in what we are offering. So the gentleman would be able to get that kind of pipeline.

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will continue to yield, but do we leave it then up to the option of the State? There is no guarantee here that my local county jail, who houses the same type of aliens, is getting any assistance.

Mr. MCCOLLUM. The gentleman is leaving it up to his Governor under this proposal. But the State, the counties, and the cities would be eligible. We do not divvy it up here and say x amount of dollars. But the Attorney General is deciding this and it is for each of the fiscal years, she shall first reserve the amount and then she shall make payments to each State which is eligible. So it goes to the State but the States have the power and are not restricted in any way from providing this

money for the jails. And as the gentleman knows, a lot of the restrictions in this bill on prisons are strictly for State prisons. This has no such restriction. This can go to jails.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(On request of Mr. BERMAN, and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, as I read the gentleman's amendment, the new moneys that come, that are tied to the Truth-In-Sentencing Act, only go to the States. But what this does clarify is that notwithstanding the Justice Department position, the Beilenson bill and the clarifications offered by this amendment to that make it clear that county jails that are housing undocumented criminal aliens who are convicted of felonies, and Los Angeles, it is \$34 million a year, are eligible to claim that money. So this improves, this gives them a crack at what they were not able to get this past year.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, the gentleman is absolutely right. It is confusing only because we are dealing with two different bills, one in law already and what we are doing today. We are trying to supplement last year's and clarify it. But under the new money for those States that have to get to truth-in-sentencing in order to qualify for it, like California, there would have to be the money going to, directly to the States, not so the old pot.

Mr. GALLEGLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment merely reimburses the States for the failure of the Federal Government to enforce its borders. The cost of this failure to California alone is well in excess of \$100 million a year. Clearly, California and States that are impacted by this policy cannot afford to continue to pick up the tab for the fact that the Federal Government has shirked its responsibility to enforce its borders and the law.

Mr. Chairman, while I wholeheartedly support this amendment, I certainly do not want it, at least my position, to be construed that this should be an substitute for aggressively enforcing the issue of unchecked illegal immigration into our country. I think as the debate goes on in the days and weeks to come, Members are going to find that this Congress is going to very aggressively tackle that issue. But on this amendment, I would ask my colleagues to strongly approve this amendment.

Mr. Chairman, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to rise in strong support of the McCollum-Gallegly amendment and state that the gentleman from

California [Mr. GALLEGLY] is chairman of a new task force that was put together by the Speaker, charged with looking at this issue of illegal immigration. As he says, this is not the sole solution to the problem of illegal immigration.

Quite frankly, we believe very sincerely that if we take this step, it is one of several which will turn the corner on the problem of illegal immigration so that as we look at the end of this decade, we will, we hope, in a large way have actually brought about a solution to the problem of illegal immigration so this funding, which is going to be provided through this amendment, which is going to be provided through this amendment, will not be necessary in the out years.

Now, as we look at this challenge, there are some who might conclude that this is simply a border State issue. We have got people from California and Texas and Florida and others that are impacted. But quite frankly, the issue of illegal immigration is a nationwide problem, and it is a nationwide problem that must be addressed by the Federal Government.

As the gentleman from California [Mr. GALLEGLY] said, the coauthor of the amendment, this is an issue of the Federal Government not policing its borders. The magnet which has drawn people across those lines into California, into Texas, into Arizona, and into Illinois, and to New York and other States is a problem which has been created by the Government services which we have had as the magnet and our inability to provide this kind of policing on the border.

Governor Wilson has worked diligently on this, but he has joined with other Governors from throughout the country who recognize the need to have the Federal Government tackle this.

□ 1630

That is why all we are doing here is not providing relief, necessarily, to States. We are simply meeting our obligation. Our obligation is very clear and forthright, and I hope very much that the McCollum-Gallegly amendment will pass with an overwhelming bipartisan level of support, which can once again state that we are going what we should do.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may, I would like to engage the gentleman from Florida [Mr. MCCOLLUM] in a colloquy.

Mr. Chairman, I would like to clarify, last year we passed the 1994 Obligation Act on Reimbursement. My understanding is that when we passed that, the target date for reimbursement was 2004.

If we pass this amendment today, I would ask the gentleman, does that change that? Are we starting reimbursement sooner?

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, we do not change the law for last year at all. It stays the same. The year 2004 in entitlement would kick in automatically for full reimbursement. I would expect that having done what we are doing out here today and tomorrow, we will not have need for that, but nonetheless, we do not change that provision. There is, however, a huge gap in the amount of money that would be available between now and then that is being made up by this bill, in large measure, because only \$330 million a year is authorized for the next 5 years under that law, and there is an additional roughly \$320 million a year that will be available with this bill, if it passes.

Mr. CONDIT. Reclaiming my time, Mr. Chairman, so I interpret that to mean if we pass this legislation, then that period of time between now and 2004, we can use this money to supplement that period of time?

Mr. MCCOLLUM. If the gentleman will continue to yield, for the next 5 years, to the year 2000, yes, but since none of the legislation in this bill or any of the other crime bills or what we passed last year in any other respect except the trigger mechanism for 2004 went beyond the year 2000, there will be a gap of 3 years in which we would have to come back, if we need to, and address this matter.

That is why, in what I proposed and put out here today, there is a requirement that we get a report no later than May 15, 1999, for the Attorney General as a recommendation concerning the extension of this program. So there may be a gap, but it is only because of the nature of this legislation. It has a finite limit.

Mr. CONDIT. Mr. Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I appreciate the gentleman yielding.

I do want to thank my colleague, the gentleman from California [Mr. BERMAN] whose initiative in the Committee on the Judiciary really brought about this ultimate amendment which has now been made in order and is now being presented to the House.

This was clearly not part of the contract, Mr. Chairman, but it is a contract that we ought to keep with the American people. I am glad to see that the gentlemen from California, Mr. DREIER and Mr. GALLEGLY, have joined the gentleman from Florida, Mr. MCCOLLUM, and that it is not overlooked and passed over in our zeal to pass the contract unamended.

It is obvious to me that the gentleman from California [Mr. BERMAN] struck a nerve. That nerve is one that we all ought to feel. That is that we have traditionally neglected the seven States that have the biggest burden of incarcerating illegal aliens.

I think it is entirely appropriate that the Republican majority has decided that the contract is not perfect as it was written and that it ought to be adjusted whenever a good argument could be made. But I want Mr. BERMAN and his friends on the Committee on the Judiciary to get the credit for the addition they provided.

Mr. FAZIO of California. Mr. Chairman, if the gentleman will continue to yield, I really believe if it had not been for that sort of leadership, we would not have been here today. I appreciate the gentleman yielding me this time.

Mr. Chairman, most of those who enter our country, legally or illegally, are law abiding. But the small number that commit serious crimes place an overwhelming burden on the seven States that must address this problem.

The plea for assistance with the costs of incarcerating felons who are in this country illegally comes from all of those States that are unfairly forced to share the disproportionate burden for this responsibility—the confinement of America's illegal immigrant population.

For example, in 1993, the 16,000 illegal immigrants incarcerated in California's prisons accounted for 13 percent of our prison population. Our annual cost of incarcerating illegal immigrant felons is \$368 million.

Adequate reimbursement to affected States would not only help with shortages in personnel, training, and equipment. It would also ensure—and maybe improve—safety levels in our jails and prisons, and in our communities.

Mr. DREIER. Mr. Chairman, will my friend from the Central Valley yield?

Mr. CONDIT. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I would just say to my friend from Sacramento that he is right on target when he refers to the fact that the contract was put into place so that we could allow, through the standing rules of the House, to work our will on legislation.

In fact, Mr. Chairman, that is what we said on September 27 when we stood on the West Front of the Capitol and made that argument, so I appreciate the gentleman's support of the goals of the Contract With America.

Mr. CONDIT. Reclaiming my time, Mr. Chairman, I would like to close, because I am in support of the amendment.

I think what this amendment is about, Mr. Chairman, and what this whole issue is about, and what the gentleman from California [Mr. BERMAN] has brought to our attention is the fact that once again we on the Federal level have to be accountable.

This is one of those mandates on a group of States throughout the country that is burdensome. We need to find a way to resolve that in a bipartisan way. I think this is a way to do this.

We will have to revisit this again, Mr. Chairman, when that time period is over. However, I think this amendment is worthwhile. I think the efforts of the gentleman from California [Mr. BERMAN] ought to be acknowledged,

and that we ought to pass the amendment and do the right thing.

The responsibility is ours. The Federal Government runs IMS. We run immigration. States have very little flexibility with immigration, so I support the amendment.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I think any reasonable person is going to recognize that the issue of giving grants out is quite appropriate, but that debts owed should be taken care of first. Any responsible person would always say that debts should be paid before you start giving out funds.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(By unanimous consent, Mr. CONDIT was allowed to proceed for 1 additional minute.)

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, any reasonable person would say you pay off your debts before you start giving out loans. Any person would recognize that there has been an outgoing debt that is continuing to be placed across this country that the Federal Government has walked away from.

In fact, this body has talked last year very strongly about the issue of deadbeat dads, and making people live up to their responsibility, and not allowing individuals to walk away from their responsibilities, not just to be punitive, but to bring people to face their responsibilities for everybody concerned.

Mr. Chairman, this issue really addresses the biggest deadbeat dad in the country, and that is the Federal Government of the United States. It has walked away from our baby, the Federal Government's baby, illegal immigration.

What this says is that now we must pay child support for the responsibilities that we have out there. It is not just for those of us that are in States that are impacted severely. Across the board, Mr. Chairman, that will help us address this issue.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(By unanimous consent, Mr. CONDIT was allowed to proceed for 30 additional seconds.)

Mr. CONDIT. Mr. Chairman, I yield to the gentleman from California.

Mr. BILBRAY. In closing, Mr. Chairman, as somebody who has had to fulfill these obligations, I think all of us will recognize that this will help us fulfill one of the items in the contract, and that is for the Federal Government to address this issue comprehensively.

Until we address the responsibility that we are placing on other people, but with the irresponsibility of the Federal Government, we are not going

to really grapple with the reality of what is out there. I think this amendment really does make us responsible to the responsibility and the problems we have committed before and allows us to address those in an appropriate way.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to enter into a colloquy with the gentleman from Florida [Mr. MCCOLLUM], the sponsor of the amendment.

Mr. Chairman, I would say to the gentleman that in the Committee on Rules a few minutes ago we reported a rule which we will put on the floor of this House tomorrow morning, the Alien Deportation Act, which does contain the original Berman amendment.

We chose not to waive a point of order on the Budget Act because that amendment in that bill, which will be on the floor tomorrow morning, in our opinion created a new entitlement program. In other words, the amendment would not have been paid for.

Consequently, under the rule that will bring that bill to the floor, the Berman language will be struck from that bill, the new entitlement program.

My question to the gentleman is, in his amendment, does that create a new entitlement program, not paid for?

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. MCCOLLUM. No, Mr. Chairman, it does not create an entitlement program. It is an authorization, strictly an authorization of an amount of money that is the difference between \$650 million and the amount of money that is each year for the next 5 fiscal years in present law as an authorization, so there is no entitlement program created by what we are offering in this amendment whatsoever. It is strictly an authorization.

Mr. BERMAN. Mr. Chairman, will the gentleman from New York yield on that issue?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, it is an authorization. The reason I am supporting this amendment is because it tracked the language that we had in the amendment that I was going to offer. It reserves the first \$650 million that is appropriated, either out of the Beilenson language in existing law, or the new prison money, if this bill were to be signed into law, it reserves the first \$650 million for reimbursements to the States for the costs of incarcerating undocumented criminal aliens.

No other money can be spent on this prison program until that money is paid, so it is an authorization plus.

Mr. SOLOMON. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman from California

[Mr. BERMAN] has explained an additional comment correctly, but it does not make it an entitlement correctly. It is not at all inconsistent with what he stated. He is correct that we could cordon off money to give it priority in the spending, but it is all authorizing language.

Money must be appropriated under the traditional methods to get the funding out there that is asked for, so there is no entitlement, I would say to the gentleman from New York.

Mr. SOLOMON. Therefore, no monies will go forward to the States or counties that has not been appropriated?

Mr. MCCOLLUM. That is correct.

Mr. SOLOMON. One last question which is of great concern to many of us. Many of the new Members do not understand, and the viewing audience, I am sure, the truth-in-sentencing provision.

□ 1640

Can the gentleman explain how that will apply to this bill and to the funds that will go forward to the States?

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. MCCOLLUM. What that is meaning is that we are going to require a State in order to be eligible for this as well as half of the money in the underlying prison grant money bill to have in place a law that essentially abolishes parole for serious violent felons in their State. That is, that they have to have a law that says that that type of defined felon must serve at least 85 percent of his or her sentence in order to be eligible to get the new money that is put forward for criminal alien incarceration reimbursements in this bill.

It, however, has no effect whatsoever on the moneys that would be appropriated under the authorization under the existing laws, which is roughly \$330 million a year.

Mr. SOLOMON. And that they would have to serve 85 percent of the sentenced time?

Mr. MCCOLLUM. The gentleman is correct. That is right. For a State to qualify to get any money under part (b) of the underlying bill for prison grants or for the new money for reimbursing the States for the incarceration of criminal aliens, the new money in this bill.

Mr. SOLOMON. Or for the new money. That is the point I wanted to get across. That means that California, Texas, Florida and my own State of New York had better carry out the truth-in-sentencing and the 85-percent clause or they are not going to get any money.

Mr. MCCOLLUM. Under this bill, if the gentleman will yield. But under the existing law, they still have a pot of money they can draw on if they do not qualify.

Mr. SOLOMON. I appreciate the gentleman's clarification.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California, my fellow member of the Committee on Rules.

Mr. DREIER. I thank the gentleman for yielding.

I would like to say that it is very appropriate having here the gentleman from Tennessee [Mr. QUILLEN] the chairman emeritus of the Committee on Rules, and the chairman of the Committee on Rules.

Mr. SOLOMON. And the vice chair.

Mr. DREIER. Because as we look at the issue of dealing with this problem, we are doing it under the standing rules of the House. We are not establishing a new entitlement program as was just said in a colloquy between the author of the amendment and the chairman of the Committee on Rules.

What we are doing now is we are coming together with funds that are appropriated and we are simply saying that it is a priority responsibility of the Federal Government regardless of what State you come from to meet that Federal obligation.

I know we have a wide range of support that has come from the Speaker of the House and others to deal with this in a responsible way. I would like to congratulate the chairman of the Committee on Rules for realizing that we can, in fact, deal with serious issues like this without imposing waivers of the budget act and other provisions.

I believe that the McCollum-Gallely amendment will go a long way toward addressing—

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from New York [Mr. SOLOMON] has expired.

(At the request of Mr. DREIER and by unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Let me just say, "I was glad to see the gentleman rise with the gentleman from California [Mr. FAZIO] concerning the Contract With America."

It is a new day in this Chamber because in the past we have helter-skelter just waived the budget rules of this House and we have created these huge deficits. We are not going to do that anymore. Here is a situation where we could have, without much effort at all, created a new entitlement program. We are not going to do that today. We are going to start cutting these entitlement programs and not creating others. And yet through cooperation on both sides of the aisle, I might add, we have resolved this problem without having busted the budget. I commend all of you.

Mr. DREIER. If my friend would yield one more time, I would like to underscore again something that the Speaker of the House has said. That is, that as we look in a comprehensive way, and it was just reiterated by my friend the gentleman from San Diego, CA [Mr. BILBRAY] a few minutes ago, as

we look in a comprehensive way in the out years to deal with this issue of illegal immigration, I am convinced that this responsibility will not be nearly as great for those States which are shouldering it at this point because we plan to have tough laws, toughening up the border patrol to ensure that we do not have that magnet through unfunded mandates drawing people illegally across the border from other countries into this country. I thank my friend for yielding.

Mr. SOLOMON. Right on.

Mr. BEILENSEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BEILENSEN asked and was given permission to revise and extend his remarks.)

Mr. BEILENSEN. Mr. Chairman, I rise in strong support of this McCollum-Berman amendment which does address the serious burden placed on States and localities by the Federal Government's failure thus far to adequately meet its responsibility to fully pay for the costs of incarcerating illegal aliens.

I also want to take this opportunity to thank our colleague, the gentleman from California [Mr. BERMAN] for successfully pressing this matter to this conclusion. I want to thank the gentleman from Florida [Mr. MCCOLLUM] for his enormously helpful help. Without his help obviously this could not be done.

I want to thank a good many other colleagues, most especially if I may, two friends, the gentleman from California [Mr. CONDIT] and the gentleman from Florida [Mrs. THURMAN] for their help in years past as well as this year, and the gentleman from California [Mr. GALLEGLY] and a number of others. I do not want to leave people out.

But many of us as Members know who have been working on this for some time, this does, in fact, build successfully on the effort, at least partially successful effort that 4 or 5 of us together made last year, to which the gentleman from California [Mr. BERMAN] and others have already alluded, for all of the reasons given in earlier speeches in the past half hour or so, this is something that should be done. I am delighted that we seem to be on the verge of virtually total success in this matter.

I thank our colleagues for their support on this very important matter.

The McCollum-Berman amendment simply provides that before the Department of Justice spends any funds appropriated under the authority of this bill for prison construction, the Attorney General must reimburse States for at least \$650 million of the cost of incarcerating illegal aliens convicted of felonies. In other words, it makes reimbursement of States, for the cost of imprisoning criminal aliens a priority over spending for new prison construction.

This amendment follows on action Congress took last year at the behest of several of us from States with large populations of criminal aliens. Our amendment to last year's anticrime

bill provided an authorization for State reimbursement from the crime control trust fund of \$1.8 billion for the first 6 years, and made that reimbursement mandatory beginning in fiscal 2004. In response to that amendment, the President requested about half the amount needed for such reimbursement in this fiscal year, and Congress approved \$130 million, or one-fifth of what is necessary. This amendment is an effort to ensure the appropriation of the full amount States and localities need.

Criminal aliens are people who have entered our country in violation of Federal laws; that makes their incarceration a Federal responsibility, and thus a cost that should be borne by all U.S. citizens, not just those who live in regions with large numbers of illegal immigrants. As the House of Representatives recognized with the recent passage of unfunded mandate legislation, the Federal Government should not continue to pass the costs of Federal actions—or in this case, lack of effective Federal action—onto State and local governments. Yet that is precisely what we have been doing by making States and localities pay for the Federal Government's failure to stop illegal immigration.

While State and local governments have the responsibility for incarcerating criminal aliens and processing their cases, they have no jurisdiction over the enforcement of immigration laws, no authority to deport aliens who are convicted of crimes, and no authority to ensure that those deported are not permitted to re-enter the country.

Congress recognized the unfairness of this situation and acknowledged the Federal Government's responsibility for the criminal alien population in the 1986 Immigration Reform and Control Act [IRCA]. Section 501 of the act specifically authorizes the reimbursement to States, of costs incurred in the imprisonment of illegal aliens. Unfortunately, no funds were appropriated for this purpose until last year, and the amount appropriated was not nearly enough to cover the full costs.

In today's Los Angeles Times, Speaker GINGRICH was quoted as declaring that the cost of imprisoning illegal immigrants is a "Federal responsibility," and calling on Congress to approve \$630 million in reimbursement to States. I could not agree more, and I am glad that the Speaker decided to champion this issue that some of us from affected communities have been arguing for quite some time. However, unless we adopt this amendment, we will have no real assurance that full funding for State reimbursement will be forthcoming.

There are between 23,000 and 35,000 undocumented aliens incarcerated in State prisons. The States which have significant numbers of criminal aliens in their prisons—that is, over 2 percent of their prison population—include not just California, Florida, Texas, and New York, as one might expect, but also Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Massachusetts, Nevada, New Jersey, Oregon, Pennsylvania, and Washington.

From 1988 to 1995, the number of illegal alien felons in California State facilities has soared by 235 percent, from 5,700 to an estimated 19,200 by the end of this year. During the same period, the total annual cost of incarcerating and supervising this population has skyrocketed from \$122 million to an estimated \$503 million by the end of the next fiscal

year, a 310 percent increase. The cumulative cost during this 7-year period is in excess of \$2.5 billion.

In Los Angeles County alone, the overall cost of deportable criminal aliens to the county's criminal justice system amounts to \$75 million per year, out of a \$683 million budget.

Although this amendment does not actually make Federal reimbursement for these costs mandatory, as many of us would like, it goes a long way toward guaranteeing these payments. If Congress wants to fund new prison construction, then, under this amendment, we will have to first ensure that there is sufficient funding for criminal alien reimbursement.

I would only add that this amendment is a responsible measure that pays for State reimbursement with appropriated funds, and is not a violation of our budget rules. Its cost—\$650 million per year—is, relatively speaking, a modest amount for the Federal Government. On the other hand, for State and local governments, this is quite a significant amount, and relieving them of this expense will free up revenues for other necessary public purposes.

Mr. Chairman, because Congress has been unable, or unwilling, to meet its full responsibility to the States with respect to criminal aliens, it is imperative that we ensure reimbursement to the greatest extent possible. By passing this amendment, we will be relieving State and local governments of the unfair burden they are currently bearing with respect to criminal aliens, and freeing up their limited resources for other essential purposes, including of course, prison construction, the very purpose of this bill.

I urge my colleagues to support this amendment.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words. I do so to enter into a colloquy with the chairman, the manager of the bill.

It is my understanding, I apologize for not being down here, but I was in a Banking Committee hearing where we were discussing the Mexico peso devaluation crisis, the gentleman is a member of the committee, but I have a question.

As I understand your amendment, it would provide for half the funding, half of the authorization of the funding to come from last year's bill and the other half pursuant to the truth-in-sentencing act; is that correct?

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Florida.

Mr. McCOLLUM. What we do is we simply do not disturb the funding that is already in the law from last year's bill. It will be unfettered. People will have it available easily. There will be no conditions to getting it. Except that there will be a preference then given to the States that do not qualify for the new pool of money we are creating today to get that money. So a State

that qualifies for money under truth-in-sentencing will not have the same rights to that existing pool of money. So that States that are not eligible for this new pool will have full sway with the underlying moneys.

Thereby, we thought this was being extremely fair to everybody concerned, since California, which is the largest State affected by the criminal alien situation, your State and mine being not far behind, would have early on full sway on the new money.

My State is moving to truth-in-sentencing very rapidly. It is supposed to pass this year, and I believe will become law. And so States that do not qualify for it will be the ones to get preference for the existing money under the existing law.

Mr. BENTSEN. Reclaiming my time, I would ask, is it conceivable or is it possible that a State that does not meet the test as provided under the truth-in-sentencing, that they somehow would not get sufficient moneys for a full reimbursement?

Mr. McCOLLUM. If the gentleman will yield, I do not believe so. What has been represented to us in the studies we have looked at, what the CBO has presented and so forth—I truly believe and honestly represent to you that I do not think that any State would come up short. There will be a very large pool of money for States to draw on in the \$330 million a year roughly that is there for each of the next several years under the existing law for States that do not qualify for truth-in-sentencing, and since California has \$300 million or so a year, maybe larger, that it itself says that it is concurring right now, it is going to eat up most of the truth-in-sentencing money, anyway, and I would say that the total amount, which is \$650 million that CBO estimates for the entire Nation, is covered by us today. So everybody should be able to get money.

Mr. BERMAN. Mr. Chairman, will the gentleman yield just on that one point?

Mr. BENTSEN. I yield to the gentleman from California.

Mr. BERMAN. I think we should be very careful not to overpromise here. Assuming, for example, Texas does not meet the truth-in-sentencing law requirements. They would not be eligible for the money appropriated out of the prison funds, the first portion of which is reserved for this program. It then will depend, for Texas, on there being an adequate appropriation in the Beilenson program that was enacted last year as part of the crime bill so that you can go there where, as the gentleman from Florida pointed out, you have preference.

So it is just very important to watch the appropriation process and make sure. The \$650 million total is what CBO says will be full reimbursement for States and local governments for the costs.

The potential for everybody to be covered is there. But it very much depends on the balance of appropriations between the two accounts.

Mr. MCCOLLUM. If the gentleman will yield to me further on that, all of this is subject to appropriations. What is underlying and the new money, all of it is. But we on our side are committed to fully appropriating the money for this.

Our Speaker has said in his words just in the past day that he wants to have this his top priority. This in his judgment and in ours is an unfunded mandate that is intolerable to the States right now and the sooner we recognize the illegal alien problem and the criminal alien problem and resolve it federally and nationally, the better off.

I think the gentleman has a great deal of assurance that our side, who now has the majority in the appropriations process, will make this top priority.

□ 1650

Mr. BENTSEN. Reclaiming my time, I will tell the gentleman my concern. My State, as other States very much believing in States rights and feeling that since most crime and criminals are under their jurisdiction, and as the gentleman knows, immigration is the sole jurisdiction of the Federal Government, and my State does house a large number of alien, undocumented criminals, the problem that I foresee is for some reason, for instance, in Texas we have 4,000 beds that are taken up as a result of that. That may bring us under the requirements under the Truth in Sentencing Act, so we are sort of in a double jeopardy situation where we may not be able to get at that funding because of the problem that already existed. So it is a concern to me, and I would want the gentleman's assurances that that would be something that would be looked at.

Mr. MCCOLLUM. If the gentleman will yield, I think he will be better off in Texas if they do not qualify initially for the truth-in-sentencing money as far as the criminal alien dollars are concerned.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Texas has again expired.

(On request of Mr. MCCOLLUM and by unanimous consent, Mr. BENTSEN was allowed to proceed for 2 additional minutes.)

Mr. BENTSEN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Because there will be States like California and my State of Florida that are in the process of qualifying for the truth in sentencing this year, and within a year will be qualified, because I spoke to our State Senate president today. I know it is a top priority in our legislature to qualify for the truth in sentencing. Once that happens for any State that qualifies for the truth in sentencing grant program for Federal prison money,

that State is going to dip into that money and then under that bill they will be ineligible for any additional, and so those States that are qualified for the truth in sentencing will not be able to get it, but the gentleman's State will be fighting with fewer States after that point in time for the money.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I think he makes a very important point. This is a burden that these States are saddled with through no actions of their own or fault of their own, and now what we are doing is when they had access to money under the Berman amendment, what we are now suggesting is that the States have to jump over an unrelated hurdle to get access to the money. The point is the problem that the States have had is that they are saddled with the burden day in and day out through no choice of their own, and yet if they do not change their laws they cannot get access to the money. I appreciate the gentleman has a theoretical formula worked out about what pool of money States will go to and whether that money will be there. It is not an entitlement, so we do not know that it will be there at the end of this budget process. But the fact is the burden goes on in any case, and that is what the States are complaining about.

So now the gentleman is erecting these hurdles, and it has nothing to do with the fact that they have thousands of beds taken up with illegals through a failure of Federal policy.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I am glad to yield for a short time to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I would just like to make the point that you are no worse off or better off with regard to the underlying law no matter what happens to the truth in sentencing. It is new money being added, and it is only the new money being added that you did not have before today in this provision of this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. BENTSEN] has again expired.

(On request of Mr. MCCOLLUM and by unanimous consent, Mr. BENTSEN was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. If the gentleman will continue to yield, you have new money being added today that you did not have before, and it is only that new money that has any conditionality to it at all. We do not place conditionality on the existing funding mechanism that is there today and, therefore, there is no reason for anybody to feel upset about the conditionality, because we are not doing anything with that. It is still there, unfettered completely,

and as a whole we are all better off since we are adding more money today.

Mr. COLEMAN. Mr. Chairman, will the gentleman from Texas yield?

Mr. BENTSEN. I am glad to yield to my colleague from Texas.

Mr. COLEMAN. Mr. Chairman, my only question that I have, and I appreciate the comment of the gentleman from Florida about getting the funding, and he said his side of the aisle was going to work very hard to get the full funding for this amendment, I wonder whether or not, since I represent Texas, you are going to work just as hard to get full funding for what has become known as the old statute, the Beilenson part of the crime bill?

Mr. MCCOLLUM. If the gentleman would yield, absolutely. We are committed to full funding for both of them, for the whole \$650 million to reimburse everybody. That is the commitment, and there is no problem making that statement out here on the floor.

Mr. COLEMAN. I thank the gentleman for his answer, and thank the gentleman for yielding.

Mr. BENTSEN. Let me just say I think this is an unfunded mandate on the States.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. BENTSEN] has again expired.

(By unanimous consent, Mr. BENTSEN was allowed to proceed for 2 additional minutes.)

Mr. BENTSEN. It is not inconsistent with what this Congress has done in the past. In 1985 we passed the Emergency Immigrant Education Act to deal with the 1981 Supreme Court ruling that affected our school districts, so we have taken action in the past to have the Federal Government step in and make reimbursements for costs which should be borne by the Federal Government.

Here today we are talking about taxpayer money from the States, and turning around and saying how we are going to allocate it back to the States under certain sorts of mandates. I understand what the bill is trying to achieve, but we have to remember those are the same taxpayers who are shelling out millions of dollars in order to build prison after prison, as we have in Texas probably more than just about any State in the Union. So at the same time we are coming back, and I am a little concerned we may be penalizing States that are trying to address this problem, and at the same time this is a problem that is beyond their control. It is the responsibility of the Federal Government.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all let me thank the Members of this debate, because last year I know it was the Beilenson, Berman, Condit amendment which started this debate, which is what we are going to see coming out in the appropriation. I also want to thank the gentleman from Florida [Mr.

McCOLLUM] for the work he has done in the deportation, which is also an extremely big issue for our State, making sure we can send them back so that we do not have to have all of those costs all of the time.

However, I do need some clarification, because I do rise to support this amendment but want to make sure that I understand it, and since we are colleagues from Florida and it is a big issue for us.

When the gentleman talks about the 85 percent truth in sentencing, do the States just have to pass a piece of legislation, or do they have to meet the requirements under that?

Mr. McCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. THURMAN. I yield to my colleague from Florida.

Mr. McCOLLUM. Mr. Chairman, to me they have to meet the requirements ultimately, but they have to pass it, and they have to have an implementation time to begin no later than 3 years after they pass that act.

Mrs. THURMAN. If the gentleman will yield back, I will take back my time. During that 3-year period of time, would they be able to receive, if they passed that legislation, would they be able to receive the dollars that will be appropriated under this bill?

Mr. McCOLLUM. If the gentlewoman will yield, the answer is yes, because they would be eligible for these dollars under the criminal alien reimbursement provisions, just as they would be eligible for dollars under the truth in sentencing prison grant money.

Mrs. THURMAN. If I can take back my time, is there any penalty at the end of that 3-year period of time if they were not able to meet that 85-percent truth in sentencing?

Mr. McCOLLUM. If the gentlewoman will yield, the answer is if they are not eligible any longer at the end of 3 years, which would be quite a ways into this legislation, they would slip back into the category of those States that would have to compete for the moneys in the existing law, that is the \$330 million, and they would have a preference as a nonparticipant State in the other pool of money, they would have a preference in the non-truth in sentencing money.

Mrs. THURMAN. Reclaiming my time, the question then that occurs to me, and the gentleman and I both know that we have numbers from the State of Florida talking about I think it is \$1.37 million that we have spent just in Florida since 1988 in incarceration of illegal criminals, I guess the concern is because that has been our burden which we have not lived up to at the Federal level, and because they have had to implement and construct and operate prisons in the State of Florida, that I hope that we can look at some language. I mean I understand where the gentleman is coming from on the 85-percent truth in sentencing. That is a big issue for all of us, and we all want that to happen, and all of our State legislatures want that to happen.

But I do have to agree with the gentleman from California, because we have not lived up to this responsibility, and it has put our States at a disadvantage, not only at the disadvantage of incarceration, but all of the other services that we are providing that are taking away from that construction for prison moneys because we are having to pay for a lot of other expenses too, and I hope that we figure out a way that we do not penalize those folks because they are trying to do a good job just because they cannot reach that point.

Mr. McCOLLUM. If the gentlewoman will yield, I recognize that she has had only a little while to look at this, but I have had a lot of time to study this, I guess, as being the author, and having had time to look at it and study it. I am convinced, and I believe she will be too when she has the time to digest this, that actually States that do not qualify for the truth in sentencing will be better off after this provision passes than they are today in terms of getting at the existing \$330 million, because there are going to be fewer people, fewer States, if you will, fighting over that money. Therefore, there is no money all together and they will have a preference.

So whether Florida passes a truth in sentencing provision or not, it is going to be better off after we get this amendment in law than it is today.

□ 1700

But I, of course, share your wishes that we pass truth-in-sentencing. As I said earlier, our Senate president, Jim Scott, today assured me that is his No. 1 priority. I understand it is the number one priority in the State house to get a bill out this year that goes to truth-in-sentencing.

Mrs. THURMAN. Reclaiming my time, I just want to ask my colleagues to support this, because I, like many who have spoken before me, recognize this as an issue that faces the National Government, not our State governments, and we are all in this together, and for those that are going to support it, we thank you very much, because it is a big help for us.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I just thought it would be wise to wade in with my colleague from Florida since there were so many Members from California here just a moment ago, and then there were those Texans here as well.

As one of those seven States that bears the brunt of the kind of discussion that we are having regarding illegal immigrants in our jails, I certainly want to compliment the gentleman from Florida and the gentleman from California and all those associated with them in crafting this legislation.

I do make a very simple appeal though, and that is that somehow or another, centered around criminal activity, we can come up with the most brilliant manner of going forward as

legislators in finding money all over the budget, and in the Immigration and Education Act, that was mentioned by my colleague and friend, the gentleman from Texas, I remind everyone that President Reagan zeroed out the budget funding for the Immigration and Education Act, and no offense meant to the former President, but the simple fact of the matter is that if this money is not appropriated, all they are doing is some kind of fancy dance trying to give our constituents the notion that we are doing something about this problem.

Let me tell you something. I am concerned about us paying a debt to the State of Florida, the State of California, the State of Texas, the State of Arizona, New York, all of the States that have this problem, and it is a debt owed because it is a national problem, and it is not one that is a State problem.

But at the very same time, if I had to place my eggs in a basket whether or not to take care of an illegal immigrant in prison and a debt owed to a State, I would much rather that this legislature be about the business of trying to fund measures that will take care of children who are entering our States in vast numbers, such that one educator in Dade County reminded me that every month the equivalent of a school enters their school system who are folk from outside this country, and in my base county, every 3 months a whole school is formulated.

It is nice to find money for prisoners, but we had better find some money for schools.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. BERMAN. You raise an interesting point on empty authorizations. This program has been authorized since the 1986 law. Until President Clinton proposed money last year and the Congress appropriated \$130 million, we never funded \$1.

As you mentioned for the program of health and education, reimbursements to the States for the cost of the legalization program, nearly every single year President Reagan or President Bush sought to rescind that entire fund. Congress kept it, fortunately, but there is a logic to this in the sense that with the pressure and interest in funding new prison construction, the requirement that this money be appropriated first probably forces this not to be an empty authorization, and it is the basis upon which I think it probably makes some sense.

Mr. HASTINGS of Florida. I want my friend from California to know that while I stand with you almost all of the time, I am going to try to get close to my friend from Florida who seems to know the Senate President well enough to know what we are doing.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the 5 minutes, because I know many of my colleagues from Florida and other affected States have spoken on this. I wanted to get up and also join the applause for those who have worked out this very complex and difficult solution to what is a very important problem, obviously the chairman, the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from California [Mr. BERMAN], for the work he has done, the gentleman from California [Mr. DREIER] on the Committee on Rules, and many others who have labored long and hard.

We are a little bit in the situation that probably a lot of American households find themselves when you do not have enough money to the end of the month to pay all the bills. You sort of stack them up. You say, "Well, I don't have enough money to do all of these bills so I am just going to do this one and this one; I will do the butcher, the baker, and the candlestick maker this month, but will let the gas company wait." What happens is sort of the wheel that does not squeak is always the one that stays in the pile that does not ever get paid off, and over the years the Federal Government has just been a giant household that has run up a big debt and has not paid all of its bills, and it seems that every year the good guys who do not make a big enough squeak are the ones who do not get paid for what they have done.

This is a piece of legislation that finally tries to deal with that. It does not solve the whole problem, and it is not retrospective, of course, but it does try to say to folks who are doing the right thing out there on the front lines and say, "Hey, we know we owe you, and we are going to start paying the bills, at least some of the bills." And I am very thankful that we have gotten to this point under the leadership so far to carry this thing forward.

Yes, we could have done this a lot of different ways. There is no question about it. This was not easy to craft, I know, but I think we have come to something that is pretty good. We have got assurances it is going to work, and I think the people who have been bearing the disproportionate burden of the cost over the years can look and smile and say, "We are making some progress on this thing."

I am sure the statistics have been made about my State of Florida; the load we are carrying down there has gotten so out of control that 10 percent of our overall prison population is what we are talking about here, more than 5,000 people, and we are talking about not a few dollars. We are talking about hundreds of millions of dollars, even so much so that the Governor of our State has felt the necessity to bring a suit against the Federal Government for a billion dollars to get some claim on back money. Now, that suit did not get very far, but at least we now have something that says we are going to start setting up the system that is

going to allow for the great household that is the Federal Government to start paying more of its bills more equitably, and that folks who have waited the longest and perhaps for the most money finally see some relief in sight.

I want to again congratulate those involved and thank you for the opportunity to say these things.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

Mr. MCCOLLUM. Mr. Chairman, at this time I would like to ask unanimous consent that for all amendments that remain to be offered and are offered on this bill today or tomorrow, or whenever, until we complete consideration of it, the entire time for debating any individual amendment be limited to no more than 20 minutes, divided 10 minutes to a side, 10 minutes for the proponent and 10 minutes for any opponent.

The CHAIRMAN. And every amendment thereto?

Mr. MCCOLLUM. And every amendment thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. CHAPMAN. Mr. Chairman, reserving the right to object, I ask the gentleman, is he talking all amendments on the bill including time we spend tomorrow?

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, that is correct, all amendments remaining on this bill, not any other bill, just this bill. The reason why is that we need to progress through this legislation in order to do the criminal alien bill tomorrow and have time on Monday and Tuesday, as the gentleman's side wants, for us to be able to devote to the remaining block grant bill which is part of the effort to be bipartisan about how we consider this. There are a lot of amendments left on this bill.

Mr. CHAPMAN. Mr. Chairman, I will not object, but I would ask the gentleman, I know I have one additional amendment to come up tomorrow, and I would ask the gentleman if, in fact, we are in debate and there appears to be substance to that debate, I would like to be asking unanimous consent for perhaps some additional time on that amendment. I will not object to the gentleman's request today.

Mr. MCCOLLUM. If the gentleman will yield further, I will certainly consider it. I cannot promise the gentleman what the result will be since I obviously cannot control, nor can the gentleman, the unanimous-consent request.

Mr. CHAPMAN. Further reserving the right to object, Mr. Chairman, I think there are some important amendments to go. If we cannot have some understanding to try to work together, I will have to object.

Mr. MCCOLLUM. We will work together. I assure the gentleman we will work together.

Mr. CHAPMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. CONYERS. Reserving the right to object, Mr. Chairman, I understand what motivates the gentleman from Florida. I agree to it subject to the fact that there may be a couple of amendments on which we may have to ask unanimous consent to go a little bit longer than this.

Mr. MCCOLLUM. If the gentleman will yield, I certainly do not have a problem working with the gentleman on that. I know he wants to strive, as I do, to try to have good limits. If we are only talking another 5 or 10 minutes in addition or something like that, and I think that is what both gentlemen, are thinking, I do not have a problem. What I am really concerned about is you do not get maybe an hour out here.

Mr. CONYERS. Further reserving the right to object, what I am saying to the gentleman is that we can agree to this subject to the fact that there may be several that we would ask unanimous consent to move ahead.

With that, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1710

AMENDMENT OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GALLEGLY: Section 505 (2) of H.R. 667 is amended to read as follows:

"(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact, as the case may be, an amount equal to the ratio that the number of part 1 violent crimes reported by such state or states to the Federal Bureau of Investigation for the most recent calendar year for which the data is available."

Mr. GALLEGLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous consent request, the gentleman from California [Mr. GALLEGLY] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, this amendment is really just a common-sense change in the legislation that would ensure that prison construction grants wind up in the areas that have the greatest need for them.

As currently written, the legislation distributes these grants based solely on population and not on the violent crime rate. This amendment would change that, and allocate these funds to the areas that are facing the greatest challenge in terms of violent crime and in keeping violent criminals behind bars.

H.R. 667 is designed to reduce crime in our communities by ensuring that we have enough room in our prisons to house the violent felons who belong there. Surely, it makes sense to base the level of funding to any one area on the level of violent crime occurring there.

I think we all share the desire to make the most of these grants and to make the streets as safe as we possibly can through the prison construction they will support. It only makes sense to add prison capacity where a clear need has been established rather than simply as a virtue of how many live in any one State.

Mr. Chairman, these grants are intended to help us fight violent crime by locking up violent criminals. They are not just another feel-good Government entitlement to be blindly doled out.

When we are confronting an issue of such tremendous concern to the American people, an extremely challenging issue that poses such a serious threat to our very way of life—we have to be a little smarter with our resources than we sometimes are around here.

This is not the time for us to indiscriminately hang a sign on the government trough reading, "Open for business." It is time for us to do the work necessary to insure that these precious funds wind up in the hands of those who have the greatest need for them. It is in that spirit I urge support of this simple, commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. I thank the gentleman for yielding.

Mr. Chairman, I join in support of the gentleman's amendment. I did not find his amendment printed in the RECORD. It is identical to an amendment we filed yesterday and had printed in the RECORD, and I would, since it is identical to the one that we filed, say that we think it is a good one. I compliment the gentleman on his offering the amendment and tell him I think it does target—and I tell my colleagues—I think what it does is make a small, but very significant, change in how the grant funds are allocated. It does that by targeting the funds to those areas where the problem is the greatest and it bases the allocation upon the incidence of violent crime, not on population.

Mr. Chairman, the Department of Justice, in analyzing the Republican

bill under the contract, made the following analysis, and I read from their analysis:

The approach in the original bill of disbursing funds for violent offender incarceration in proportion to general population without regard to the incidence of violent crime in the affected areas will produce gross misallocations of resources in relation to actual need.

This amendment, Mr. Chairman, will reinstate the law as it currently exists, will put back in place the allocation of the formulas of the 1994 crime bill. It is one way to target the resources to where the need is greatest.

So I enthusiastically support the gentleman's amendment because it remarkably resembles the one I filed yesterday in the RECORD. I compliment the gentleman for his vision and look forward to supporting him.

Mr. GALLEGLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for his kind words and also recognize his great wisdom.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the gentleman for yielding this time to me.

Very quickly, I do not think this takes a lot of time.

We have an assistance program for low-income people to get subsidies on energy. We do not apportion that based on population. We focus that on States where cold weather requires people to have extraordinary high heating bills. We have crop subsidy programs and we do not base that on population, but we do base that on areas where the crops are growing.

The whole logic of this program is to deal with the—try to assist the States with the costs of dealing, particularly, with the high rates of violent crime. This amendment makes perfect sense. I cannot understand why the formula would be on any other basis, and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

I commend both gentlemen, particularly my colleague from Texas [Mr. CHAPMAN], who, although he is not a member of the committee, had his amendment printed in the RECORD. We are in accord.

I like the idea of revisiting the 1994 crime bill. I think this is a good formula to take out of it and put in here.

We have no further requests for time.

Mr. Chairman, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Chairman, we have no other Members seeking time. I would urge support and yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. GALLEGLY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. Is the gentleman's amendment No. 15?

Mr. BURTON of Indiana. It has a No. 2 at the top, Mr. Chairman. We had to make a clerical change.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. BURTON].

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 7, line 18, after "general" insert "including a requirement that any funds used to carry out the programs under section 501(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology."

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Indiana [Mr. BURTON] will be recognized for 10 minutes.

Is there a Member who rises in opposition to the amendment and wishes to be recognized? If not, the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, the gentleman from New Jersey [Mr. TORRICELLI] and I are cosponsors of this amendment. It is a very simple and straightforward amendment designed to make sure that the latest and best technology is used in building prisons and prison cells. It mandates that the States look into this to make sure they are using taxpayer dollars as wisely as possible in the construction of new prisons. That is basically all the amendment does.

I think it is an important amendment. It will help control costs of new prison construction. I think the people of this country want that kind of scrutiny of construction of new prison facilities in this country.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. I thank the gentleman from Indiana for yielding to me.

Mr. Chairman, I am very proud to join with the gentleman from Indiana [Mr. BURTON] in offering this amendment. It is not, Mr. Chairman, simply a question of how much we spend for prison construction, but what value we receive; whether indeed we get the added capacity that is required to prevent the early release of felons onto our streets and insure that there is just and fair punishment.

Much has been learned about prison construction and ways to reduce those costs and the time that is required for construction. Many States and localities have learned that by prefabrication, indeed in the very manufacturing of prison cells, often with steel in a factory setting, these costs can be dramatically reduced. Indeed in a soon to

be released independent national report by the Kitchell Consulting & Engineering Co., of California, it is believed that both the quality can be increased and the costs can be reduced by a significant percentage by these modular steel cells. They are prefabricated, they can be brought to the site and then put together. Indeed at times in the future when prison populations might change, they can even be disassembled and moved.

Our hope is that the experience of some States in using this technology can be duplicated around the country.

All we ask is that the States and the Federal Government, as they look at prison construction, break out of their own methods, be creative about it, use their best judgment to get the best value for their dollars.

□ 1720

With that I want to thank the gentleman for yielding. I also want to thank the chairman of the subcommittee, the gentleman from Florida, for his support for the amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I ask, "By reducing the costs, does that also enable you to go in and reduce the requirements for Davis-Bacon?"

Mr. BURTON of Indiana. I would presume that it might. That has not been a consideration in the amendment, but I presume it would.

Mr. CUNNINGHAM. Since the higher costs come along with Davis-Bacon, under construction under Davis-Bacon, I think it ought to seriously be looked into.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I think an answer to the gentleman's question might be, "First, because you're reducing construction time, there certainly is an impact on construction costs. Second, while obviously the fabrication at the site continues Davis-Bacon protection because it is construction, the cells themselves are manufactured off the site. Therefore they would probably not be included under construction at prevailing wage. They would be manufactured."

Mr. BURTON of Indiana. Mr. Chairman, it ought to be pointed out, and I think the gentleman did that, and that is, if they are constructed off site, it is going to cut down construction costs—

Mr. TORRICELLI. If the gentleman would yield, I think that is the savings, reducing time, that these are coming off an assembly line and only to be put together at the site.

Mr. BURTON of Indiana. As I yield back, let me say this in conclusion, Mr. Chairman:

This modular cell construction we are talking about is one new tech-

nology. There will be others in the years to come, and we believe every Governor of every State should be looking into these new technologies to cut down the cost of these new prisons that are going to be constructed.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am impressed that we want to be as efficient as possible, and I do, too, because it will save money. I want to make a couple of points.

The first is that this is probably the fastest growing industry in our economy, building prisons. We now have cities and towns. It is a fast growing industry because we are putting literally billions of dollars in the 1994 crime bill and now billions of dollars additionally, at least two and a half, into this one, and so I rise to join with every efficiency that we can obtain.

But I think we want to keep in mind that we want to also ensure that there is an effectiveness coming out of this great new industry that we are building in the United States, namely building prisons which does not make the happiest commentary in the world in what direction we are going since we incarcerate more people than any other industrial country that I know of.

So, I would urge all of my colleagues and those who have spoken in favor of this to support the Scott amendment that will be coming up that will ask that we also set aside a fraction of the amount of money merely to determine and study the effectiveness of this enormous new industry that we have spawned at the Federal level. It will be a fraction of an amount of money, be immeasurably tiny. It is so small it is almost beyond calculation. We would urge that we would consider both these amendments as both moving in a very important direction.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, one of the ways in which we can do, I think, both and not even have to build prisons in the future:

In the State of California we have got 16,000 Federal felons that are illegal immigrants. There are 84,000 nationwide. That is a lot of room at the inn. If the gentleman would help us make sure that those folks are repatriated from whatever country they came from, maybe we would not have to spend as much money on our present—

Mr. CONYERS. Reclaiming my time, beyond that I will say to my colleague I think we ought to have immigration laws that prevent people from effectively coming in illegally as opposed to what we do with them after they get in—

Mr. CUNNINGHAM. I agree with the gentleman.

Mr. CONYERS. And then run up the bill.

Mr. CUNNINGHAM. I will help the gentleman do that, too.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: Page 9, after line 6, insert the following:

"(6) TRANSFER OF UNALLOCATED FUNDS.—After making the distribution to all eligible States required under section 503, the Attorney General may transfer as provided in this paragraph, in such amounts as may be provided in appropriations acts, any remaining unallocated funds which have been available for more than two fiscal years, but all such funds shall be available for the purposes of this paragraph after fiscal year 2000. Funds transferred under this paragraph may be made available for expenses of the Immigration and Nationalization Service for investigators and for expenses of the Bureau of Prisons, the Federal Bureau of Investigations and the United States Attorneys for activities and operations related to the investigation, prosecution and conviction of persons accused of a serious violent felony, and the incarceration of persons convicted of such offenses.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. If I might, this is a very technical amendment. It does something with the funds that might not be allocated, and what it simply says is that, if at the end of 2 years after this legislation is in existence, every 2 years, money then begins to flow that is not utilized, not taken up in the grant programs from certain specified purposes dealing with prisons and law enforcement activities for violent felonies and so forth to go to the appropriations that may be determined by the appropriators to fight crime, and it is a way to capture this money in the trust funds.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, can I get a copy of the amendment?

Mr. MCCOLLUM. Absolutely; we got a copy here. I thought the gentleman had one; I apologize.

What it does is it says, and since the gentleman does not have one, I will be glad to read these provisions, that any remaining unallocated funds which have been available for more than 2 fiscal years shall be transferred by the Attorney General as provided by the appropriators for the purposes of the expenses of the Immigration and Naturalization Service for investigators or for expenses of the Bureau of Prisons, the Federal Bureau of Investigation and U.S. attorneys for activities and operations related to investigation, prosecution, and conviction of persons accused of a serious violent felony and the incarceration of persons convicted of such offenses. I doubt seriously we are going to have any money left over. I say to my colleagues, I think by the time you get through the period of time we are talking about, you're going to have every penny of this scooped up, but this allows for us to keep the moneys that are cordoned off in the trust funds, which we all want to keep, from the moneys that came out last Congress in our desire to dedicate these moneys and these resources to law enforcement and to fighting the purposes intended. This allows us to not lose those moneys should the grants not be allocated, should there not be enough applications for them, or qualifications, or whatever.

So, we are trying to keep the money for law enforcement purposes and for the purposes intended in this bill. I am sure the Bureau of Prisons alone, the Federal Bureau of Prisons, could probably consume the balance of any funds that are here, but we tried to make this broad enough to give the appropriators a chance to work their will, but narrow enough, I say to the gentleman from Michigan, that we are able to keep it in our domain so that it is used for the purposes intended.

This is of course again assuming that the grants are not fully awarded. I got a feeling they will all be fully awarded, but there is no escape valve, no carry-over provision, no nothing now in the law either in this bill or what was passed in the last Congress to take care of that eventuality.

And so that is all that this does. It does no more than that. We have been requested to try to do things of this nature to protect our interests in the past, and the committee feels very strongly that that is what it is.

When he gets here, and I think he is headed to the floor, the gentleman from Kentucky [Mr. ROGERS] who is our appropriator for State, Justice Appropriations Subcommittee on the Committee on Appropriations, the chairman of that subcommittee would undoubtedly like to address this issue and encourage it because it is something that I think he would favor as well in order for us to be sure that we do not miss out on any moneys. In the end they go back to some general pot somewhere for gosh knows what purpose that might be, general whatever, and I think again that this is a very

important amendment but is not one which should be at all controversial, and I assumed the gentleman from Michigan had a chance to examine it before. I apologize that he had not. But in any event I do not think he will find this to be a difficult amendment.

Again all it is is a transfer of unallocated funds for the purposes as may be appropriated by the Committee on Appropriations as long as they are for the purposes specified in here, Bureau of Prisons, FBI, U.S. attorneys, Immigration and Naturalization Service.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, the question I wanted to ask about this is whether this might have the effect of encouraging agencies to come up with programs that have not been thought through, and that is one part of the question, and the second part of the question is, given the choice between having this money be forced into some other law enforcement purpose that may or may not be worthy certainly would not have been addressed directly by this Congress.

□ 1730

Might it not be better to direct the money to the reduction of the deficit, since we are all very concerned about that?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, it has been impressed upon me by the appropriators and the gentleman from Kentucky [Mr. ROGERS] who will be here in a moment, the chairman of the subcommittee, that we in reducing the overhead and trying to balance the budget, may be putting the committee in a very difficult position to fund, for example, the investigators we need for the criminal law enforcement positions of INS, that your administration just requested a 73-percent increase in their current budget.

We may have trouble funding the Bureau of Prisons, which is our Federal responsibility, where we do not allocate any money under any of these major bills and certainly not under this \$10.5 billion bill.

So if there is anything left over, it is not going to be under somebody's creative scheme. We really need that to run our prisons and do the things that the bipartisan group of people want to do here. No, we are not suggesting any great devious methodology is involved.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, having looked this over, having examined the question between putting this to the deficit balance, I would prefer that it go into the following programs and the following departments included in the amendment. So I would support the amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am not sure I have strong objections to this. Could I just address another question to the gentleman from Florida [Mr. MCCOLLUM]?

Is there a sufficient flexibility built into this language that would allow the use of these funds for prevention kinds of programs as opposed to just building more prisons? I honestly have not had a chance to look at language.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I do not think the prevention type programs would fit under it, but it would be up to the appropriators to decide. The way it is cordoned off, it would be up to the Federal Bureau of Prisons, the Federal Bureau of Investigation, the United States attorneys, and for the limited purposes of Immigration and Naturalization Service investigators. It is a very narrow law enforcement area.

It is not inconceivable that somebody could come up with a prevention program the FBI would want to run. But barring that, that is not the intent. The reason why is because we just simply are worried about adequate resources for our own Federal purposes here. Prevention programs would normally be the kind of programs we are going to deal with on Monday and Tuesday for money going to the States.

None of this money would go to the States. It would be recaptured, and it would be recaptured in any event by the Federal Government. It would simply go into some big hole that we would not have any control over. But doing this we control it to the extent we force it into the workings that this Committee on the Judiciary would want it to be, and for Federal purposes, as long as it is Federal purposes.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I do not know if this will make my colleague from North Carolina more comfortable or less, but it is our prediction that this will be a large amount of money that will be reserved, because I do not believe the States are going to qualify for it. So we are talking about billions, maybe billions and billions of dollars, all the way up to \$5 billion. So I just want to make sure that not only the Members on the committee, but all the Members in the House understand that this little document of 10 lines contains quite a bit of change in it. Of course, this will be revisited in conference. So I just want us to all be aware of it.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I make two comments in response to the gentleman's statement.

No. 1, he underestimates the will of my Governor, since North Carolina is one of the three States to that qualifies to get these funds under this bill currently. I think you are underestimating the will of my Governor and his pursuit of these funds, first of all.

Second of all, that raises even more the concern I have that since some subsequent bills that are coming to the floor will have the effect of reducing prevention dollars, that I am wondering whether the gentleman might entertain the idea of including specifically some language in this amendment that might allow those dollars to go to fund prevention programs that some of the subsequent bills are going to have under attack which are coming to the floor.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I do not believe that would be appropriate. I understand what the gentleman is getting at. But the moneys were pretty evenly divided at about \$10 billion each to the prevention and cops under our construct, and for prisons and law enforcement basically under this kind of legislation here today. And I think in a moment, once the gentleman from North Carolina and Michigan have finished their colloquy and time, I am going to yield to the gentleman from Kentucky [Mr. ROGERS], who I think can explain exactly why we need to do this for the purposes we put in this amendment, so he is the appropriator, and being the chairman of the subcommittee that oversees our program.

Mr. CONYERS. Mr. Chairman, reclaiming my time, let me pursue the idea raised by my colleague from North Carolina [Mr. WATT]. What about some prevention money or some programs that go to those that will be dealing with it? There is a gang resistance program in Treasury. There are all kinds of prevention programs. Because it does raise a difficult point. We are taking, in your bill, \$2.5 billion out of prevention, and now we are taking what may well be, based on my estimates, an even larger amount, and transferring back to very important law enforcement agencies and departments of the Federal Government.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield further, I really do not know the parameters of the powers we are giving to the appropriators here, but I suspect they are pretty broad in the areas we are giving it to them, though they are constrained here. Perhaps the gentleman would like to direct some of his time to the gentleman from Kentucky, who has that knowledge. I do not have it. I do not wish to personally add to the litany here, because I fear that our money is going to be constrained enough as it is. But, nonetheless, the gentleman thinks there is going to be more here than I think there is.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 3½ minutes to the gentleman from Kentucky [Mr. ROGERS], the chairman of the Subcommittee on State, Justice, and those things that concern us here today.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the chairman from Florida for offering this amendment.

Mr. Chairman, I hope this is the beginning of a long and productive relationship between the Committee on the Judiciary and the Committee on Appropriations, both of which are under new management. I originally suggested a version of this amendment that the chairman is offering back when the bill was marked up in committee, and we have been working together on it since that time.

This amendment will assure that in the event States cannot use these resources within a reasonable period of time, that those unallocated resources can be appropriated for unmet Federal law enforcement needs. Resources are just too tight to allow pots of money to accumulate unused.

We have a challenge this year and the years ahead. As criminals are increasingly apprehended, tried, and sentenced, Federal law enforcement agencies must grow. New cases mean new FBI agents, new U.S. attorneys, new judges, new marshals, new courthouses, new prisons, new probation officers, and on and on and on.

For instance, in the new 1996 budget—proposed by the budget, there are three new Federal prisons, seven completed prisons that will come on line, and five prison expansions.

□ 1740

Just for the annual cost of the seven prisons coming on line this year, of which five will be operated by private contractors, we will need to find \$200 million to operate those on an annualized basis.

Similarly, this year there will be 31 new courthouses coming on line, 150 new courthouses planned over the next decade. Each new courthouse requires rent payments, furnishings, new personnel, and so forth that add substantially to the funding we need to provide just to keep up with the country.

These are examples of the resource requirements that are coming due on the Federal level while overall we are trying to reduce the size of the Federal budget.

I appreciate the gentleman working with us on this amendment and in offering it in his name. I hope to continue to work with him on it to perfect it, and I hope to work with him when he goes to conference on the crime bill to assure that the conference report will adequately reflect the needs of the Federal law enforcement agencies.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Let me point out to the gentleman that has just spoken that this is a heck of a way to run a railroad. We legislate \$10 billion for prisons and then we say, well, if there is any left over, let us use it for courthouses and other expenses that we need. Those have to stand on their own merit, sir. We cannot start, if we authorize a courthouse or a prison, it has got to have money coming for it to be built. It cannot be money left over in case it is not used. So I am quite unimpressed about why we need the money in that regard.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, if I can engage the gentleman from Kentucky for just a moment, I heard the gentleman say that the unused funds were because of the fact that we may very well have the courthouses and court personnel. Can the funds be used for that purpose?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, they cannot be used for courthouses. That comes, of course, under another part of the Government.

Mr. HASTINGS of Florida. Mr. Chairman, let me put two or three additional questions. Is there any provision, perhaps the gentleman from Florida [Mr. MCCOLLUM] might join in, that would allow for the addition of Federal judges? And I notice in the litany that was offered of things that it could be used for, absent from that were Federal public defenders and provisions for attorneys for that indigent. Can it be used for that purpose?

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, the amendment specifies what the additional unallocated moneys can be used for.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

What I would like to find out from my friend from Florida, if a very small amendment would be permissible by unanimous consent and it would read at the end of the last sentence, "of such offense" we would put a comma "or to the Department of Health and Human Services for programs to prevent crime."

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, unfortunately, that would not be germane to yield to the money here. We had to draft this very technically. That is why it all related to serious violent felons, incarceration, investigators, this sort of thing.

I would suggest to the gentleman that would be too broad. If the gentleman wanted to specify something that fits into the area, we did not want to get too much spreading this out,

DEA or something like that, we probably could do it. But I tried to draw it narrowly. The gentleman from Kentucky wanted to broaden it even more. We sort of settled on this.

I am open but not that broad.

Mr. CONYERS. Mr. Chairman, let me point out to the gentleman that a point of order could have lain against this whole amendment. So I am sorry. A point of germaneness could have lain against this amendment itself and was not raised. And so I would ask the gentleman if that is his only problem, that he would use the same comity with us that we used with him.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will continue to yield, it is not my only problem, because obviously, if there is a germaneness, and I do not know where it may be in here, it would be all still in the area of law enforcement, all still in the area of Federal domain dealing with that, the Justice Department matters, all of the Justice Department.

The gentleman is asking me to unanimously consent to putting in a whole different department and functions. I am reluctant to amend this in any way other than a very minor way that might deal with something that maybe we have not thought of and we did not mean to overlook in terms of something, some function related to one of the law enforcement areas.

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, if the gentleman says that he is amenable and he talks in terms of areas of responsibility, then would not the Federal courts and public defenders and moneys for attorneys for indigent defenders contemplate that?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired. The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] be granted 3 additional minutes.

The CHAIRMAN. The Chair can only entertain such a request if it is 3 minutes additionally on both sides.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that each side be yielded 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 3 additional minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 3 additional minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I would like to explain, I do not have any problem, perhaps, as we go

through, if the public defenders would balance off U.S. attorneys or something. But I do not think that was the intent.

Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROGERS] to explain why this is drawn as narrowly as it is, why going into courthouses or courtrooms—and maybe he mentioned that—would be too broad for what is available. I feel that there will not be enough money, but I want him to talk about why.

Mr. ROGERS. Mr. Chairman, mentioning courthouses was a mistake. It does not fund courthouses. It mentioned the personnel that use courthouses. That is what I intended to try to say. Another section of the appropriations bill deals with money for public defenders and the Legal Services Corporation. It is not in the bill. We can deal with that on another day, and we can debate that all day long.

The problem here is, we do not have enough money, as it is, to fund the existing Federal law enforcement agencies that I think we all want to fund, the FBI and the Drug Enforcement Administration, the war on drugs and all of that.

I want to try, if we run short there, to have access to the Crime Trust Fund in case it is not all used up under its State prison construction uses. And that is the reason I would like to have this amendment as it is.

I asked for more, frankly. We have to wait 2 years under this amendment for this unallocated money to show it. I would like to have had it this year, because we are going to run short this year, for the Federal law enforcement agencies. And this is the only reason that I wanted to have that kind of an access to this unallocated money.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to my friend, the chairman of the Subcommittee on Crime, I would like to point out that we would be willing to agree with this reluctantly if we would add, instead of Health and Human Services, the National Institute of Justice for law enforcement technology programs.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I personally am interested in seeing the National Institute of Justice protected. I have no problem with that. I would like to have the gentleman ask on his time, while he is asking the gentleman from Kentucky, whether or not that is within the purview that he would agree to. He is our appropriator. I am trying to help honor his request, too.

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Kentucky, [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I have a problem with that on this bill.

Mr. CONYERS. Mr. Chairman, the gentleman says he has a problem with that.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, yes, I do. We can talk about that on another bill, if the gentleman would care to. But not on this bill. It is just not possible on this bill.

Mr. CONYERS. Mr. Chairman, reclaiming my time, first of all, we have a measure here before us that gives money for things other than building prisons. I agreed to it. I asked that we include crime prevention programs.

I am told that that is not germane. I asked for adding the National Institutes of Justice for law enforcement technology, which the members of our committee are very familiar with.

□ 1750

Now I am told that "We are sorry, that will not work." I think I get the idea, Mr. Chairman. This amendment is very unacceptable to me for the reason that I cannot get one small program into it, so it is clear what I will be urging Members on my side to do.

The CHAIRMAN. The Chair will advise Members that the gentleman from Michigan, [Mr. CONYERS], has 30 seconds remaining, and the gentleman from Florida, [Mr. MCCOLLUM], has 3 minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I would ask the gentleman from Michigan, before he makes a declaratory statement with his last 30 seconds, if he would reserve it and let me have my time.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am curious, does the gentleman from Kentucky, [Mr. ROGERS], if he would answer this for me, have jurisdiction over the National Institute of Justice, his subcommittee?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would tell the gentleman that it is in the Justice Department, so we do have jurisdiction, yes.

Mr. MCCOLLUM. So the gentleman would have absolute discretion as a subcommittee, then, Mr. Chairman, over how this money is divided up, whether it goes to the National Institute of Justice or the U.S. attorneys or the Bureau of Prisons in his subcommittee, of course, subject to the approval of Congress, of the body voting on it, would he not?

Mr. ROGERS. We would, Mr. Chairman, and we do, I would tell the gentleman.

Mr. MCCOLLUM. Although the gentleman would prefer not to add it in here, there would not be any real harm in that, because it would just be part of the pot? There is no division of the amount of money here. This would still

be within the gentleman's subcommittee and within the discretion of the Committee on Appropriations, would it not?

Mr. ROGERS. If the gentleman will continue to yield, Mr. Chairman, frankly, I do not like specifying anything in the amendment. When we start specifying some items, then we say "Why not do so-and-so and so-and-so." There are 10,000 things we could specify in the amendment.

I think it would be best for the body, including the gentleman's interests, if we leave that unspoken so we can deal with it in the appropriations process. The gentleman will have a chance at that time, if he is unhappy with it.

Mr. MCCOLLUM. If I could reclaim my time, Mr. Chairman, I think it would probably be in everyone's interest not to keep having a worry over this, if we could amicably offer it. There is not going to be any skin off anyone's teeth with this, because there is nothing that is going to be allocated.

Mr. Chairman, if I acquiesce to the gentleman's request to include the National Institute of Justice, I think that is probably in the best interest of everybody here today. It is not going to make much difference from the gentleman's standpoint. He does not like any of it.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I will defer to the chairman on this bill. This is his bill. This is his amending process. I am going to take his judgment on it. I would prefer it not be there, but if the gentleman is happy with it, I will manage to try to be happy.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, if the gentleman from Michigan still wishes to agree with this, I ask unanimous consent, if he is agreeable to the proposal, to amend my amendment to add "The National Institute of Justice" for the activities and operations related, as the gentleman requested.

The CHAIRMAN. The Chair will state that it would prefer to have the amendment reduced to writing, in order to have it at the desk. We will suspend for 1 minute while it is being put in writing.

Does the gentleman from Michigan [Mr. CONYERS] offer the amendment that is at the desk?

AMENDMENT OFFERED BY MR. CONYERS TO THE AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. CONYERS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS to the amendment offered by Mr. MCCOLLUM: Strike out the period at the end of the amendment offered by Mr. MCCOLLUM, and insert ", including the National Institute for Justice for law enforcement technology programs."

The CHAIRMAN. The Chair would state that the amendment is not separately debatable, and comes under the time limit.

The gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining,

and the gentleman from Michigan [Mr. CONYERS], has 30 seconds remaining.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I think what we ought to do is accept this amendment to my amendment, and pass the whole thing. I think it is an amicable thing. I think the gentleman from Michigan [Mr. CONYERS] wishes to do that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I am glad to yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, may I just ask the gentleman from Michigan [Mr. CONYERS] the name of the agency again? I heard it wrong, I thought.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the name that the gentleman will come to love is the National Institute of Justice for law enforcement technology programs.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, could the gentleman from Michigan explain what that agency does?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that each side be granted 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Each side will be granted 2 additional minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I believe this has been written incorrectly. If I am not mistaken, what the gentleman intends is the National Institute of Justice, and it is for law enforcement technology programs, but "law enforcement technology programs," should not be capitalized. I think the gentleman is really talking about those types of programs that the National Institute of Justice has, is that not correct?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman is correct, absolutely correct.

Mr. MCCOLLUM. Would the gentleman from Michigan agree to amend his amendment to put the word "of" in between the "Institute" and "Justice", instead of as it is?

Mr. CONYERS. Mr. Chairman, that is exactly what we intended.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Michigan [Mr. CONYERS] to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] shall be modified as suggested.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified offered by Mr. CONYERS to the amendment offered by Mr. MCCOLLUM: Strike out the period at the end of the amendment and insert ", including the National Institute of Justice for law enforcement technology programs."

Mr. MCCOLLUM. Mr. Chairman, I have no further desire to debate this. I think we have it correct technically now.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from yielding time to me.

Mr. Chairman, I am not going to ask for a vote on this, but I will say I am deeply troubled by this. Of all of the complaints that I get in my district, the one that I hear more than any other is that at the end of every fiscal year Federal agencies go rushing to the pot to spend every conceivable amount of money that they can spend on any thing, and never turn anything back to be applied, and our deficit keeps getting bigger and bigger and bigger.

Mr. Chairman, it just seems to me that we are falling prey to that very thing in this amendment. I appreciate the gentleman yielding to me.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. CONYERS] to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment, as modified, to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment, amendment number 8.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 8, after line 3 insert the following:

"(d) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Attorney General shall reserve 1/10 of 1% for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title and the benefits of such programs in relation to the cost of such programs."

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes.

Does the gentleman from Florida [Mr. MCCOLLUM], the chairman of the committee, seek recognition in opposition to the amendment?

Mr. MCCOLLUM. I am in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM], will be recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, this amendment simply requires that we

use a minuscule portion of the funding for programs under this chapter to determine whether or not the billions of dollars authorized under this bill, plus the hundreds of billions of dollars the prison grants program will encourage the States to spend, whether or not those expenditures actually reduce crime.

Mr. Chairman, I will submit a similar provision to evaluate programs funded under the Police and Prevention Block Grant when we take up H.R. 728. The amendment will set aside one-tenth of 1 percent for research and evaluation of the effectiveness of expenditures under the bill for crime reduction.

Mr. Chairman, this amendment assures that we will try to add not only truth-in-sentencing, but also truth in legislating, as we approach the attack on crime. We need to know whether or not the expenditures are actually having an effect.

Mr. Chairman, we have seen programs evaluated, like drug courts, that cost about one-twentieth of other initiatives and have an 80 percent reduction in crime.

We have seen studies of Head Start, Job Corps and other primary prevention programs that save more money than they cost and reduce crime.

We have even seen recreational programs studied, and significant reduction of crimes are found.

□ 1800

Mr. Chairman, according to the National Academy of Sciences, in various studies of potential years of life lost, violence prevention gets a small portion of the research. We spend \$441 for heart, lung, and blood research for each potential year of life lost, \$697 for AIDS research, \$794 for each potential year of life lost for cancer, but only \$31 for each potential year of life lost in research for violence.

Mr. Chairman, we should invest one-tenth of 1 percent of the funds under this bill to see whether we have wasted our money or whether the money could have been allocated better. Five years from now after we have spent \$30 billion, we would then be considering spending another \$30 billion or more, it would be nice to know what parts of the \$30 billion actually had the effect of reducing crime and what part of the \$30 billion had no effect at all.

This minuscule investment can give us the answers, and therefore I hope the House will adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 10 minutes in opposition to the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

If I might, Mr. Chairman, I wish to oppose this amendment, and I would like to argue in that behalf very briefly simply to state that what I am con-

cerned about at this point in time is the fact that we already know that 30 percent of those who are convicted of all violent crimes in this country are on probation or parole at the time they are convicted. There is no question that prison time is a great solver in deterring crime. If somebody is in prison they cannot commit crimes, for gosh sakes. We do not need to spend one dime of research to determine that. I cannot imagine the value of it, and I cannot, as much as I respect the gentleman from Virginia, and know he is in good conscience offering this, I cannot for the life of me see why we should do it.

With all due respect, I am going to oppose the amendment. It just does not make any sense to me and I do not think there is much more I need to debate about it. I just do not have any reason to support it and I cannot.

So, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore [Mr. CUNNINGHAM] assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

The Committee resumed its sitting.

The CHAIRMAN. Does the gentleman from Virginia seek recognition?

Mr. SCOTT. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Virginia has 7 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the ranking member of the committee, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, if we are not willing to spend one-tenth of 1 percent to find out where \$10 billion is going in terms of programs, construction, and effectiveness, I do not know how anybody could support this program without having this one safety corrective.

We just passed slightly earlier an amendment that would allow for evaluating and mandating the efficiency of the construction of prisons, and prison construction. Now we are saying to look at the efficacy of this entire program, the construction and the prisons and the programs contained within this bill is unnecessary because we already know, it is the height of arrogance on our part. If we already knew this we would have built prisons a long time

ago. As a matter of fact, the debate is very much in doubt as to how much effectiveness building prisons really is.

So I urge the support of the Scott amendment as being very vital to this bill.

Mr. MCCOLLUM. Mr. Chairman, I do not seek recognition. I have no other speakers that I know of except me as a closing speaker.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I support the Scott amendment. I support the Scott amendment basically because it questions the blind drive without further study toward incarceration over prevention. Why should we not spend a small amount of money to determine the effectiveness of incarceration?

The bill assumes a government block grant, H.R. 728, will pass next week, and so therefore if it passes it will have an opportunity to eliminate many of the programs that will help policing and community prevention.

I support community policing and prevention programs and therefore I certainly intend to vote against that bill. But at least we should, fiscal responsibility would say we should set aside a small amount to determine if we are spending all of this money in the right way and to what extent it is being effective.

Therefore, State and local governments that have been very supportive with community policing and having resources to prevent crime will find they will be far more vulnerable if the block grants pass and assuming they will be most vulnerable, the likely community policing and technology that should there will not be available. This simply gives an opportunity to study the effectiveness of incarceration.

I urge my colleagues to support this amendment.

Mr. Chairman, I support the Scott amendment. The amendment requires that point 1 percent of all prison funding be used for studying the effectiveness of prisons as a crime control device. In other words Mr. Speaker, the Scott amendment questions the blind drive toward incarceration over prevention as an approach to law enforcement in America.

This bill assumed that the Local Government Block Grants Act, H.R. 728, will pass next week. That act will eliminate community policing and the crime prevention programs that we passed last year. I support community policing and prevention programs, and I therefore intend to vote against this bill.

When we passed the crime bill last year, we were comforted by the prospect of putting another 100,000 police on the streets. Those police were expected to help stem the rising tide of crime and to make our streets safe again. State and local governments have responded enthusiastically to community policing.

More than 8,000 applications have been made for grants to put more police on the streets. Last year's crime bill made sure that